



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7117 of 2020
(Through Video conferencing)

WEB COPY

M.Selvarani

...Petitioner

-Vs-

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Superintendent of Police,
Theni District, Theni.

3.Muthuraj,
The Deputy Superintendent of Police,
Theni Sub Division, Theni.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the 1st and 2nd respondents to take appropriate action against the 3rd respondent, enabling the petitioner to secure her service on the basis of the petitioner's representation dated 30.05.2020.

For Petitioner : Mr.K.Arunraj

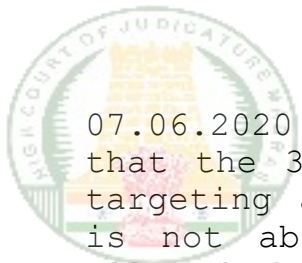
For Respondents : Mr.S.Dhayalan, G.A. For RR1 and 2

ORDER

The prayer in this writ petition is for a writ of Mandamus, to direct the 1st and 2nd respondents to take appropriate action against the 3rd respondent, enabling the petitioner to secure her service on the basis of the petitioner's representation dated 30.05.2020.

2.Heard Mr.K.Arunraj, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents 1 and 2.

3.The petitioner is working as Constable in the respondent police department at Theni District. While so, it seems that a memo seeking show cause was issued by the 1st respondent on 04.06.2020 about the alleged absence on the part of the petitioner for duty on 01.05.2020 and in this regard, explanation was sought for by the 1st respondent through the same memo dated 04.06.2020. In response to the same, the petitioner also has given a detailed explanation on



07.06.2020 and in the meanwhile, it is the claim of the petitioner that the 3rd respondent, where the petitioner has been posted, is targeting and harassing the petitioner. Therefore, the petitioner is not able to discharge her duties fearlessly in view of the alleged harassment that she met out from the 3rd respondent. Therefore, in this regard, on 30.05.2020, she had given a detailed representation to the 1st respondent against the 3rd respondent, that shall be considered and decided by the 1st respondent and in order to get a direction to that effect from this Court, this writ petition has been filed, the learned counsel for the petitioner contended.

4.However, the learned Government Advocate appearing for the respondents 1 and 2 would submit that, when the petitioner was specifically posted in a Corana check post on 01.05.2020 between 14.00 hours and 20.00 hours, when a checking was taken place at 17.00 hours by the Inspector of Police concerned, the petitioner was not available in the duty place. Therefore, a memo dated 04.06.2020 was issued by the 1st respondent seeking explanation from the petitioner. The petitioner also has given explanation on 07.06.2020 and that would be considered on merits and decided by the 1st respondent.

5.Insofar as the general allegation made by the petitioner against the 3rd respondent as if the petitioner is facing harassing in the hands of the 3rd respondent is concerned, if any specific allegation is made by the petitioner against any higher official with supportive documents, certainly, that will be looked into in the manner known to law. Through the general allegation made against the 3rd respondent, the petitioner cannot escape from the clutches of law without facing the memo issued on 04.06.2020 and therefore, the said memo dated 04.06.2020 and the explanation given on 07.06.2020 would be considered on merits by the 1st respondent and orders would be passed thereon.

6.The said submissions made by both sides have been taken note of and after having gone through the materials placed before this Court, this Court is inclined to issue the following direction:

"the 1st respondent shall consider the explanation given by the petitioner dated 07.06.2020 in response to the memo dated 04.06.2020 and pass orders thereon, on merits and in accordance with law within a shortest possible time. Insofar as the grievance of the petitioner that she was subjected to harassment at the hands of the 3rd respondent is concerned, if any specific allegations or complaint is made by the petitioner with specific instances with supporting circumstances and documents, that can be considered and decided by the 1st respondent then and there after having a preliminary enquiry to that effect."



7. With this observation and direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Superintendent of Police,
Theni District, Theni.
3. The Deputy Superintendent of Police,
Theni Sub Division, Theni.

Order made in
W.P. (MD) No. 7117 of 2020
13.07.2020

AP (07/08/2020) 3P 4C