



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8268 of 2020

and

W.M.P(MD)No.7665 of 2020

WEB COPY

S.Veeraraja

...Petitioner

-Vs-

1.The Principal Secretary,
Home Department,
Fort St. George,
Chennai-600 009.

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

3.The Inspector General of Police,
Armed Force, Trichy,
In charge
The Deputy Inspector General of Police,
Kajamalai Colony,
Edamalaipatti Pudur,
Trichy-620 023.

4.The Commandant,
Tamilnadu Special Police,
XIV Battalion,
Palani.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the proceedings of second respondent in R.C.No.61526/AP 3(1)/2016, dated 26.01.2017 and quash the same as illegal and direct the respondents to grant him all consequential service and monetary benefits to petitioner.

For Petitioner : Mr.K.Srinivasaragavan
For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, calling for the proceedings of second
<https://hcservices.ecourts.gov.in/hcservices/>



respondent in R.C.No.61526/AP 3(1)/2016, dated 26.01.2017 and quash the same as illegal and direct the respondents to grant him all consequential service and monetary benefits to petitioner.

2. Heard Mr.K.Srinivasaragavan, learned counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents.

3. The petitioner was working as a Police Constable at the Tamil Nadu Special Police, against whom a disciplinary proceedings was initiated and punishment was imposed by the fourth respondent vide order dated 24.03.2015, whereby his increment has been postponed for three years with cumulative effect. As against the said order of punishment, he preferred an appeal on 22.04.2015 to the second respondent and the appellate authority also by the impugned order dated 26.01.2017 having confirmed the order of punishment, has rejected the said appeal of the petitioner.

4. Even though as against the said order passed by the appellate authority, dated 26.01.2017 i.e., the impugned order, the petitioner preferred further appeal/Mercy petition before the first respondent on 05.06.2017 and the same is still pending with the first respondent, the petitioner has chosen to challenge the order passed by the appellate authority on 26.01.2017 in this writ petition.

5. The learned counsel appearing for the petitioner would submit that, unmindful of the challenge now made by the petitioner, if a direction is issued to the first respondent to dispose the further appeal/Mercy Petition dated 05.06.2017 filed by the petitioner, within a time frame and an order to that effect is directed to be passed on merits, the petitioner would be satisfied.

6. The learned Additional Government Pleader appearing for the respondents would submit that the said further appeal/Mercy Petition filed by the petitioner on 05.06.2017 through proper channel to the first respondent would be decided on merits, within a time frame.

7. Considering the said submissions made by both sides and by taking into account the aforesaid factual matrix, this Court is inclined to dispose of this writ petition, with the following direction:

" that the respondents, especially, the first respondent is hereby directed to consider the further appeal/Mercy Petition filed by the petitioner, dated 05.06.2017 followed which a reminder filed by the petitioner in the month of September, 2018 and decide the same on merits and in accordance with law and pass orders thereon, within a period of eight (8) weeks from the date of receipt of a copy of this order.



8. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Am

Note:

(i) 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 Principal Secretary,
Home Department,
Fort St. George, Chennai-600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 3.The Inspector General of Police,
Armed Force, Trichy,
In charge
The Deputy Inspector General of Police,
Kajamalai Colony,
Edamalaipatti Pudur, Trichy-620 023.
- 4.The Commandant,
Tamilnadu Special Police,
XIV Battalion, Palani.

+1CC to M/s.GP (SR-13441[F] dated 31/07/2020)

+1CC to M/s.K.SRINIVASA RAGHAVAN, Advocate (SR-13434[F] dated 31/07/2020)

Order made in

W. P. (MD) No. 8268 of 2020

Dated:

30.07.2020

AP(06/08/2020) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>