



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8710 of 2020

A.Paulraj Pandian

... Petitioner

Vs.

1) The Director General of Police,
Kamarajar Salai, Mylapore, Chennai 600 004

2) The Commissioner of Police,
Madurai City, Madurai.

3) The Deputy Commissioner of Police (L & O)
Madurai City, Madurai

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the mercy petition filed by the petitioner through proper channel and RPAD on 25.02.2020 within the stipulated time.

For Petitioner

: Mr.A.Rajaram

For Respondents

: Mr.K.Mu.Muthu,

Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, seeking for a direction to the 1st respondent to dispose of the mercy petition filed by the petitioner through proper channel and RPAD on 25.02.2020 within the stipulated time.

2. The petitioner was working as a Police Constable in the respondent Department, against whom, a disciplinary proceeding was initiated, which ended in punishment, where the punishment of compulsory retirement was inflicted on the petitioner, by order, dated 11.02.2019 by the third respondent. As against the said punishment, the petitioner preferred an appeal to the second respondent and the said Appellate Authority on considering the appeal of the petitioner, by his order dated, 30.07.2019 modified the punishment into "postponement of next increment for a period of two years which shall not operate to postpone his future increments".

3. Still felt aggrieved over the said modified order of punishment of the second respondent, dated 30.07.2019, the petitioner preferred further appeal or mercy petition before the first respondent on 25.02.2020 and all that the learned counsel for the petitioner wants is that, the first respondent shall decide the mercy petition at the earliest on merits and in accordance with law



and pass orders thereon within a time stipulated by this Court.

4. I have heard .Mr.K.Mu.Muthu, learned Additional Government Pleader, who would submit that, the second respondent has forwarded the mercy petition of the petitioner, dated 25.05.2020 to the first respondent on 24.03.2020. Therefore, as of now, the mercy petition is pending before the first respondent for consideration and that would be considered on merits and orders would be passed by the first respondent within a time frame of eight weeks.

5. Considering the said submission made by both sides and by taking into account the innocuous nature of the prayer sought for in this writ petition, this Court is inclined to pass the following order:

"that the first respondent is hereby directed to consider the mercy petition of the petitioner, dated 25.02.2020 as against the modified order of punishment passed by the second respondent, dated 30.07.2019 and pass orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

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,
Kamarajar Salai, Mylapore, Chennai 600 004
 - 2) The Commissioner of Police, Madurai City, Madurai.
 - 3) The Deputy Commissioner of Police(L & O), Madurai city, Madurai
- +1 CC to M/s.GP (SR-13719[F] dated 06/08/2020)

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05.08.2020

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