



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.10.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.14321 of 2020

and

W.M.P. (MD) Nos.11975 & 11976 of 2020

C.Sethumani Mathavan

...Petitioner

Vs

1.The Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

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

3.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the order passed by the 3rd respondent in connection with the order of dismissal passed by him in his proceeding C.No.D(1) PR.No.53/2016 C.PO.No.542/2017 dated 07.04.2017 and quash the same as illegal incompetent without jurisdiction and further direct the respondents to reinstate the petitioner with pay all other monetary and service benefits within the time stipulated by this Court.

For Petitioner : Mr.R.Singaravelan Senior Counsel for
Mr.D.Selvanayagam

For Respondents: Mr.B.Bhagavathy
Government Advocate



ORDER

Challenging the impugned order passed by the 3rd respondent in C.No.D(1)/PR.No.53/2016/C.PO.No.542/2017, dated 07.04.2017 and for issuing a direction to the respondents to reinstate the petitioner into service with all other monetary and service benefits, the present writ petition has been filed.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned senior counsel appearing for the petitioner would submit that the petitioner was initially appointed as Sub Inspector of Police in the respondent department and subsequently, he was promoted to the post of Inspector. While the petitioner was working as Inspector of Police, he was prosecuted for the offences under Sections 120-B r/w 409, 409 and 343 of IPC and the same has been taken on file in S.C.No.373 of 2011 by the Mahila Court (Fast Track Mahila Court), Thanjavur.

4.Thereafter, by order dated 20.03.2017, the trial Court had convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1,000/- , in default, to undergo simple imprisonment for a period of one year each for the offences punishable under Sections 120-B r/w 409 and 409 of IPC and also sentenced to undergo simple imprisonment for a period of 2 years and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for a period of 3 months for the offence punishable under Section 343 of IPC.

5.Challenging the aforesaid judgment dated 20.03.2017, the petitioner has preferred an appeal in CrI.A.No.101 of 2017 before this Court and this Court by order dated 27.11.2019, has acquitted the petitioner from all the charges. Thereafter, though the petitioner has made representations dated 23.12.2019 and 05.01.2020 before the respondents 3 and 2 respectively by explaining his grievances, no action has been taken till date. Hence, the present writ petition.

6.Though this writ petition is filed for a larger relief, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the order passed by the 3rd respondent in connection with the order of dismissal passed by him in his proceeding in C.No.D(1) PR.No.53/2016 C.PO.No.542/2017 dated 07.04.2017 and quash the same as illegal incompetent without jurisdiction and further directing the respondents to reinstate the petitioner with pay all other monetary and service benefits, the



learned senior counsel appearing for the petitioner in the course of his argument, restricted the relief for issuing a direction to the respondents 2 and 3 to consider and pass appropriate orders on the petitioner's representations, dated 05.01.2020 and 23.12.2019 respectively.

WEB COPY

7.The learned Government Advocate appearing for the respondents would submit that challenging the order of this Court dated 27.11.2019, acquitting the petitioner from all the criminal charges filed as against him, no appeal has been preferred by the respondents. He would further submit that the petitioner's representations dated 23.12.2019 and 05.01.2020 will be disposed of within a time frame to be fixed by this Court.

8.In view of the submissions made by the learned counsel on either side and considering the facts and circumstances of the case, I do not find any legal impediment for the respondents 2 and 3 to dispose of the petitioner's representations dated 23.12.2019 and 05.01.2020. Thus, I direct the respondents 2 and 3 to consider the petitioner's representations dated 05.01.2020 and 23.12.2019 respectively and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mm

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 Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

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



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

WEB COPY

3.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-19990[F] dated
14/10/2020)

+1 CC to M/s.GP (SR-20221[F] dated 15/10/2020)

W.P. (MD) No.14321 of 2020
14.10.2020

VR(CO)
TR(04.11.2020) 4P 6C