



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.10.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.13749 of 2020

T.Mookkandi

... Petitioner

Vs

1. The Home Secretary,
Government of Tamilnadu Department of Home,
Secretariat,
Chennai 600 009.

2. The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore,
Chennai.

3. The Deputy Inspector General of Police,
No.4, St.Thomas Road,
Maharaja Nagar,
Tirunelveli 627 011.

4. The Deputy Commissioner of Police (Law and Order),
Tirunelveli City,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to dispose the mercy petition dated 28.07.2017 by taking note of the Judgment passed by the learned Assistant Judge, Kovilpatti in S.C.No.141/2015 dated 20.12.2016 to reinstate the petitioner into service with pay other monetary benefits or any direction may deem fit and proper in these circumstances of the case based on the mercy petition dated 28.07.2017.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.N.Shanmuga Selvam

Special Government Pleader

ORDER

This Writ Petition is filed to direct the 1st respondent to dispose of the petitioner's mercy petition dated 28.07.2017, in the light of the judgment passed by the learned Assistant Judge,



Kovilpatti in S.C.No.141 of 2015 dated 20.12.2016, to reinstate the petitioner into service.

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

3.According to the petitioner, though he has made a mercy petition dated 28.07.2017 before the 1st respondent seeking to reinstate him into service based on the judgment passed in S.C.No.141 of 2015 on the file of the Assistant Sessions Court, Kovilpatti, wherein, the petitioner was acquitted from all the criminal charges filed as against him, so far, no action has been taken. Hence, the petitioner is before this Court for the relief stated supra.

4.The learned counsel appearing for the petitioner would submit that it is suffice, if a direction is issued to the 1st respondent to dispose of the petitioner's mercy petition dated 28.07.2017.

5.In reply to the submission of the learned counsel appearing for the petitioner, Mr.N.Shanmuga Selvam, learned Special Government Pleader appearing for the respondents would submit that the petitioner's mercy petition dated 28.07.2017, will be disposed of by the 1st respondent on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Considering the facts and circumstances of the case that there is a delay in decision making process on the part of the 1st respondent in disposing of the petitioner's mercy petition and in view of the submissions made by the learned counsel on either side, this Court is inclined to pass the following direction:-

the 1st respondent / the Home Secretary, Department of Home, Chennai, is directed to consider the petitioner's mercy petition dated 28.07.2017 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, without making any further delay in its decision making process;

7.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

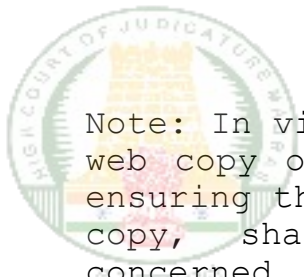
Assistant Registrar (CS-I)

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/ /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.

WEB COPY

To

- 1.The Home Secretary,
Government of Tamilnadu Department of Home,
Secretariat,
Chennai 600 009.
 - 2.The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore,
Chennai.
 - 3.The Deputy Inspector General of Police,
No.4, St.Thomas Road,
Maharaja Nagar,
Tirunelveli 627 011.
 - 4.The Deputy Commissioner of Police (Law and Order),
Tirunelveli City,
Tirunelveli District.
- +1 CC to Mr.D.SELVANAYAGAM, Advocate SR-19249.
+1 CC to the SPL GP SR-19344.

W.P. (MD) No.13749 of 2020
06.10.2020

SCR(CO)
CS(14.10.2020) 3P 7C