



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14304 of 2015

S.Murugesan

... Petitioner

Vs

1. The Director General of Police
(Law and Order)
O/o.The Director General of Police,
Santhome High Road,
Chennai - 600 004.

2. The Deputy Inspector of Police,
Salem Range,
Salem.

3. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to dispose of the representation of the petitioner dated 18.03.2015 in the light of the judgment dated 12.11.2013 and made in C.C.No.134 of 2013 on the file of the Judicial Magistrate, Palacode.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.J.Ramesh, AGP

ORDER

The petitioner has come up with this Writ Petition to direct the 1st and 2nd respondents to dispose of the representation of the petitioner dated 18.03.2015 in the light of the judgment dated 12.11.2013 passed by the Judicial Magistrate, Palacode, in C.C.No.134 of 2013.

2. According to the petitioner, he joined the Police Department as a Constable on 08.06.1988 and was working as Head Constable in Marandahalli Police Station, Dharmapuri District



from 21.09.2011. While so, by order dated 09.10.2012, he was placed under suspension as per Rule 3(e)(1)(ii) of TNPSS (D&A) Rules, 1955, in connection with case in Crime No.612/2012 registered for the offences under Section 294(b) IPC and Section 4(1)(i) of TNP Act. Consequently, he was issued with a charge memo dated 11.10.2012, to which he submitted his explanation. Being dissatisfied with the same, enquiry was conducted against the petitioner, which ultimately, ended in punishment of compulsory retirement. Feeling aggrieved, the petitioner filed appeal to the second respondent, which was rejected by confirming the order of punishment passed by the third respondent. In the mean while, the criminal proceedings initiated against the petitioner ended in acquittal by judgment dated 12.11.2013 passed by the Judicial Magistrate, Palacode in CC No.134/2013. Citing the same, the petitioner made a representation dated 18.03.2015 to the respondents requesting to revoke the punishment imposed on him and permitting him to join duty, which was not considered till date. Hence, this writ petition.

3. Heard both sides and perused the materials placed before this Court.

4. Considering the nature of the relief sought herein, this Court directs the respondents to consider the petitioner's representation dated 18.03.2015, if not already considered, and pass appropriate orders, on merits and in accordance with law and also taking into account the judgment dated 12.11.2013 passed by the Judicial Magistrate, Palacode in CC No.134/2013. Such an exercise shall be completed, within a period of eight (8) weeks from the date of receipt of a copy of the order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Director General of Police
(Law and Order)
O/o.The Director General of Police,
Santhome High Road,
Chennai - 600 004.



2. The Deputy Inspector of Police,
Salem Range,
Salem.

3. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

+1cc to Mr.M.Selvam, Advocate, S.R.No.11613

+1cc to the Government Pleader, S.R.No.11013

W.P.No.14304 of 2015

RGN(CO)
CS/19/07/2021