

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.17935 of 2007

P.Somasundaram

... Petitioner

-Vs-

1. Director General of Police
Chennai - 600 004.

2. Inspector General of Police
Armed Police,
Trichy - 620 012.

3. Deputy Inspector General of Police
Armed Police (M&W),
Trichy - 12.

4. Commandant
TSP I Battalion,
Trichy - 620 012.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records relating to the impugned orders passed by the fourth respondent herein in his proceedings in C.No.F1/PR.16/2001 u/r 3(b), dated 26.02.2001 and confirmed by the third respondent herein in his proceedings C.No.A2/Appeal.33/2001, dated 31.05.2001 and further confirmed by the second respondent herein in his proceedings RC.No.Estt.I (2)/21565/IG/2001, dated 17.01.2002 and direct the respondents to reinstate the petitioner into service with all consequential monetary and service benefits.

For Petitioner : Mr.G.Bala

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

The prayer sought for herein is for a writ of certiorarified mandamus, to call for records relating to the impugned orders passed by the fourth respondent herein in his proceedings in C.No.F1/PR.16/2001 u/r 3(b), dated 26.02.2001 and confirmed by the third respondent herein in his proceedings C.No.A2/Appeal.33/2001, dated 31.05.2001 and further confirmed by the second respondent herein in his proceedings RC.No.Estt.I (2)/21565/IG/2001, dated 17.01.2002 and direct the respondents to reinstate the petitioner into service with all consequential monetary and service benefits.

2. Though the prayer sought for in the Original Application No.1726 of 2004 which is transferred and stood as W.P.No.17935 of 2007 is a writ of certiorarified mandamus to call for the records and quash the order of punishment awarded by the disciplinary authority, which has been confirmed by the appellate authority, when the case is taken up for hearing, Mr.G.Bala, learned counsel appearing for the petitioner has submitted that, as against the order passed by the disciplinary authority as well as the appellate authority, a memorial petition has been filed before the first respondent, i.e., the Director General of Police, Chennai, Tamil Nadu, dated 22.11.2002, however the same has not so far been disposed of on merits.

3. Therefore the learned counsel appearing for the petitioner would submit that, if a direction is given to the first respondent to consider and decide the said memorial petition, dated 22.11.2002 on merits and in accordance with law within a time frame, the petitioner would be satisfied.

4. Heard Mr.K.Magesh, learned Special Government Pleader appearing for the respondents who would submit that, the petitioner infact was appointed in the Prison Department in the year 1998 and there was a disciplinary proceeding against him between the year 1998 to 1999, since he was deserted, there was a disciplinary proceeding under 17(b) charges and subsequently, he rejoined and thereafter, he was deserted again from 19.05.1999 and within four or five days, he joined the service in the present department, i.e., the police department, therefore, there has been clear suppression of the past events, therefore, on that ground alone the action has been taken.

5. However, Mr.G.Bala, learned counsel appearing for the petitioner submits that, certainly the petitioner has got a presentable case before the first respondent in the memorial petition, therefore if such a direction as prayed for is

granted, that would be suffice, he contended.

6. Considering the said submission made by both sides and the plea raised by the learned counsel appearing for the petitioner, this Court is inclined to dispose this writ petition with the following direction :

(i) that the first respondent, Director General of Police, Chennai, is hereby directed to consider the memorial petition, dated 22.11.2002 filed by the petitioner against the order of the disciplinary authority as well as the appellate authority, removing him from service from the Prison Department and pass orders thereon on merits and in accordance with law and in this regard, if the first respondent desires to give a personal hearing to the petitioner, that can also be given to the petitioner and accordingly, decide the same within a period of three months from the date of receipt of a copy of this order.

(ii) A copy of the memorial petition, dated 22.11.2002 shall also be annexed by the petitioner along with a copy of this order and on receipt of the same, the needful as indicated above shall be undertaken by the first respondent.

7. With the above direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tsvn

To

1.The Director General of Police
Chennai - 600 004.

2.The Inspector General of Police
Armed Police,
Trichy - 620 012.

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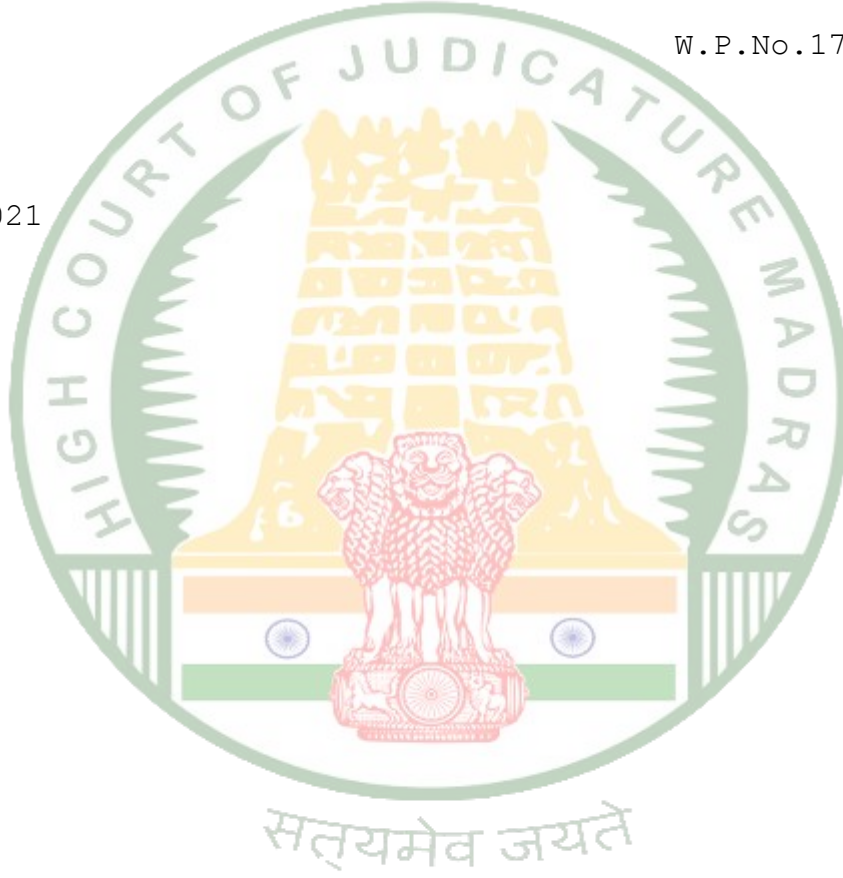
3. The Deputy Inspector General of Police
Armed Police (M&W),
Trichy - 12.

4. The Commandant
TSP I Battalion,
Trichy - 620 012.

+1 cc to the Government Pleader high Court, Madras
sr 7079

W.P.No.17935 of 2007

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