

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2700 of 2021

T.Mari

...Petitioner

Vs

1. The Director General of Police,
Tamil Nadu,
Chennai-600 004.
2. The Deputy Commissioner of Police,
Washermenpet,
Chennai-600 021.
3. The Superintendent of Police,
Ramanathapuram,
Ramanad District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 07.09.2020 and pass appropriate orders within a stipulated time.

For Petitioner : Mr.S.Senthilnathan
For Respondents : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the first respondent to consider the representation of the petitioner dated 07.09.2020 and pass appropriate orders within a stipulated time.

2. By consent, final orders are passed in the writ petition at the admission stage. Mr.J.Pothiraj, Special Government Pleader takes notice for respondents.

3. The case of the petitioner is that he joined the police service on 26.12.1985 and appointed as Police Constable Grade II at Tamilnadu Special Police IV Battalian Coimbatore. While the petitioner was working as Grade I Constable in Ramathapuram Town

Police Station, a charge memo dated 06.02.2002, was issued by the Superintendent of Police, Ramanathapuram. Since the charge memo was not served on the petitioner and that there was no intimation regarding the enquiry conducted by the Deputy Superintendent of Police, Ramanathapuram, the petitioner could not participate in the enquiry. Thereafter, the Deputy Commissioner of Police, Chennai, the second respondent herein passed the impugned order dated 25.03.2004, removing the petitioner from service. Challenging the same, the petitioner has come to this Court with W.P. No.20326 of 2004. This Court, by order dated 22.10.2018 directed the Director General of Police to consider the mercy petition of the petitioner dated 02.11.2007. Accordingly, the Director General of Police passed orders, modifying the punishment from removal of service into that of compulsory retirement from the date of original order. Though the Department had settled all the terminal benefits to the petitioner, they have failed to note that the petitioner had rendered 18 years of service when the original order of removal from service was passed on 25.03.2004 and that the petitioner should have been promoted as Head constable by that time. Hence, according to the petitioner, he ought to have been granted for re-fixation of pension. Therefore, he made a representation dated 07.09.2020 to the first respondent and other respondents. However, due to non-response on the side of the respondents, the petitioner has come forward with this present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is pending with the authorities concerned and, not disposed of earlier, this Court directs the respondents to consider the representation of the petitioner dated 07.09.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to all parties concerned, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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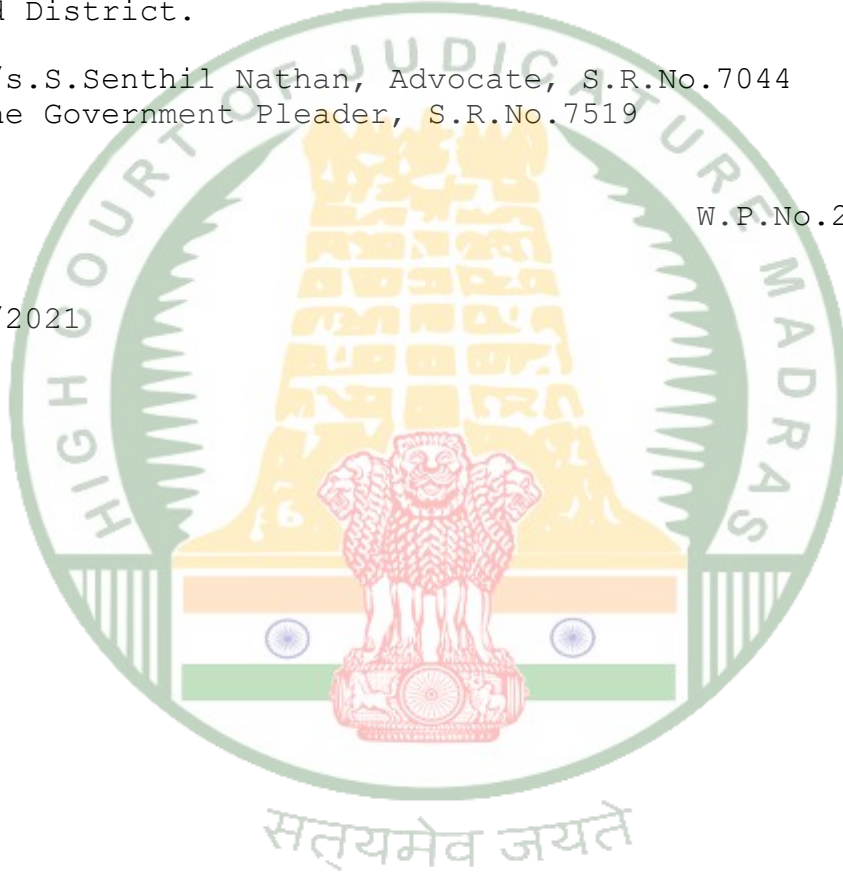
To:

1. The Director General of Police,
Tamil Nadu,
Chennai-600 004.
2. The Deputy Commissioner of Police,
Washermenpet,
Chennai-600 021.
3. The Superintendent of Police,
Ramanathapuram,
Ramanad District.

+1cc to M/s.S.Senthil Nathan, Advocate, S.R.No.7044
+1cc to the Government Pleader, S.R.No.7519

W.P.No.2700 of 2021

CP (CO)
KKV/18/03/2021



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