



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.27602 of 2009

Ganesh Babu

..Petitioner

vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Department of Home, Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-600 004.

3.The Deputy Commissioner of Police,
Kilpauk Police Station,
G.I.Police Station, Vepery,
Chennai-600 007.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records in PR.No.41/07 under Rule 3(b) of Disciplinary and Appeal Rules dated 05.02.2008 on the file of the third respondent herein and confirmed in RC.No.88058/AP.3(3)/2009 dated 13.10.2009 on the file of the second respondent and quash the same as illegal.

For Petitioner : M/s.R.Sankarasubbu

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader
for R1 to R3

O R D E R

The petitioner, challenging the impugned order of punishment passed by the third respondent dated 05.02.2008, as confirmed by the second respondent, vide order dated 13.10.2009, has filed the present writ petition.



2. The petitioner, as against the order passed by the second respondent /Director General of Police in R.C.No.88058/AP3 (3)/2009 dated 13.10.2009, filed a mercy petition and the said mercy petition was rejected by the first respondent. In the aforesaid order, it has been stated that the petitioner has not preferred any appeal against the punishment order. Pending the writ petition, the petitioner preferred an appeal on 16.02.2019 before the Commissioner of Police, Chennai and the said appeal was dismissed on the ground of delay/limitation, vide order dated 17.07.2019 and the same was challenged in W.P.No.23641 of 2021 and this Court vide order dated 29.07.2021, has set aside the said order and remitted back to the Commissioner of Police, Vepery, Chennai for fresh consideration.

3. The facts placed before this Court has not been placed by both parties before the learned Judge in the earlier writ petition in W.P.No.23641 of 2021 and after the disposal of the earlier writ petition, the present writ petition has been taken up for final disposal. The said fact has not been disputed by the learned counsel for the petitioner.

4. In view of the subsequent order passed by this Court in W.P.No.23461 of 2019 dated 29.07.2021, the present writ petition has become infructuous. Hence, this Writ Petition is dismissed as infructuous. It is open to the parties to agitate / raise all the issues before the appellate authority.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

Jvm

To

1.The Secretary,
The State of Tamil Nadu,
Department of Home, Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-600 004.



3. The Deputy Commissioner of Police,
Kilpauk Police Station,
G.I. Police Station, Vepery,
Chennai-600 007.

WEB COPY

+1 CC to The Government Pleader sr 63800.

W.P.No.27602 of 2009

SS (CO)
SP (13/12/2021)