

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4042 of 2021

R.Suseela

... Petitioner

Vs

The Commissioner of Police,
Chennai Police,
Vepery, Chennai 600 007.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondent to consider the petitioner's representation dated 06.01.2021 and dispose off the same within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The case projected by the petitioner in this writ petition is as follows:

2.1 Her husband, by name K.Raghavan, was working as a Sub Inspector of Police (Crime) in Kodambakkam Police Station, he was subjected to disciplinary as well the criminal proceedings in connection with a case in Cr.No.41/95 dated 08.06.1995 registered on the file of Vechochira Police Station. Due to the same, he was suspended from service.

2.2 The petitioner challenged the suspension order by filing O.A.No.1612 of 2001 before the Tamil Nadu Administrative Tribunal and obtained an order of interim stay on 14.03.2001. In the mean while, he attained the age of superannuation on 31.10.2006, however, he was not permitted to retire from service.

2.3 After trial, the criminal proceedings ended in

acquittal of the petitioner from all the charges, vide order dated 09.09.2010 passed by the learned I Class Judicial Magistrate, Ranny, Kerala, in CC No.511 of 2004. Pursuant to the same, he made a representation dated 01.10.2010 to the respondent requesting to revoke his suspension and allow him to retire from service, which was not considered.

2.4 Hence, the petitioner's husband filed WP.No.21082 of 2011, during the pendency of which, he died on 15.07.2012. Subsequently, the writ petition was disposed of, directing the respondent to consider the said representation and pass orders within a period of twelve weeks from the date of receipt of the order copy.

2.5 Since the aforesaid order passed by this Court in the writ petition was not complied with within a stipulated period, the petitioner preferred Contempt Petition bearing No.206 of 2019, which was closed, based on the submission that the Joint Commissioner of Police (South Zone), Chennai Police, already submitted a proposal on 11.02.2019 to the Government for issuing necessary orders.

2.6 Even after a lapse of two years, no progress was made, which forced the petitioner to submit a representation dated 06.01.2021 requesting to consider the representation submitted by her husband relating to notional promotion and consequential benefits with arrears. Finding no response on the same, the petitioner has come up this writ petition seeking appropriate direction to the respondent in this regard.

3.Heard Mr.K.M.Ramesh, learned counsel for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader taking notice for the respondent.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representation of the petitioner dated 06.01.2021 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kmm

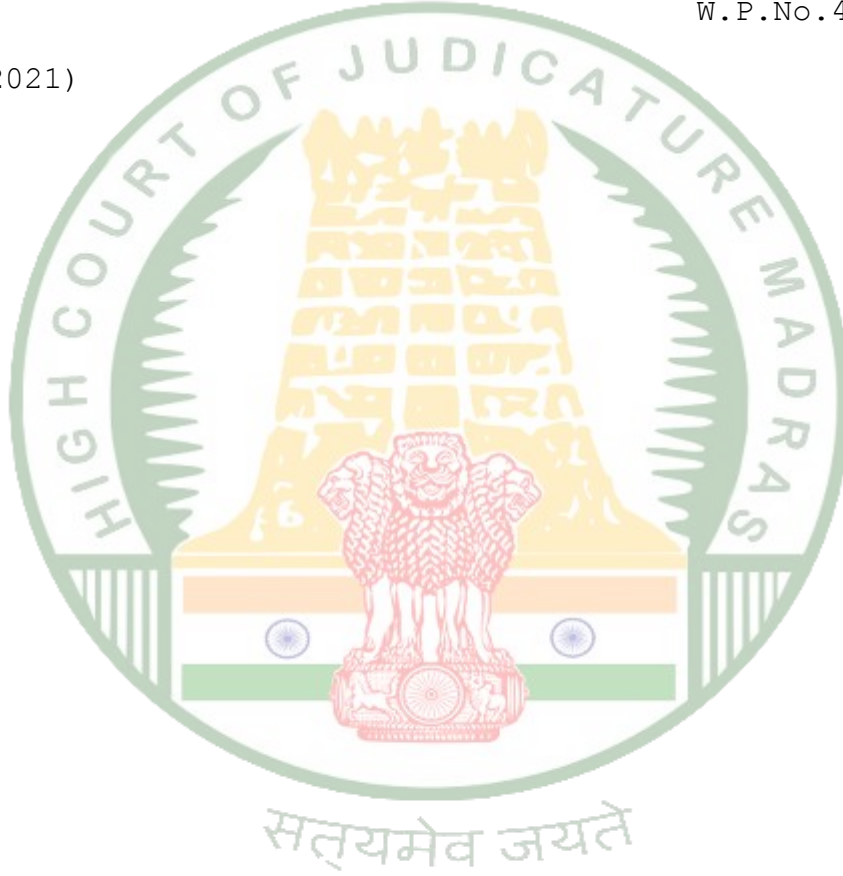
To

The Commissioner of Police,
Chennai Police,
Vepery, Chennai 600 007.

+lcc to Mr.K.M.Ramesh, Advocate, S.R.No. 11034
+lcc to the Government Pleader, S.R.No. 11907

W.P.No.4042 of 2021

GPL(CO)
GN(29/03/2021)



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