

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4271 of 2021

P.A.Appasamy

... Petitioner

Vs

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

2. The Deputy Inspector General of Police,  
Villupuram Range,  
Villupuram.

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

..... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1<sup>st</sup> respondent to dispose the Mercy petition and reminders, dated 16.08.2012, 11.01.2013, 05.06.2015, 24.10.2019, 03.12.2020, 12.12.2020 and 12.01.2021 with an expeditious manner.

For Petitioner : Mr.P.Gurunathan

For Respondent : Mr.P.Karthikeyan  
Additional Government Pleader

सत्यमेव जयते  
O R D E R

This writ petition has been filed, seeking a direction to the 1<sup>st</sup> respondent to dispose the Mercy petition and reminders, dated 16.08.2012, 11.01.2013, 05.06.2015, 24.10.2019, 03.12.2020, 12.12.2020 and 12.01.2021 expeditiously.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The case of the petitioner is that the petitioner, while working as Inspector of Police at Valathi Police Station, was issued with a show cause notice by the 3<sup>rd</sup> respondent via

Proceedings dated 23.12.2010 in C.No.D3/PR39/10, dated 23.12.2010 on account of certain allegations levelled against him. In pursuance of the same, the 3<sup>rd</sup> respondent, by proceeding No.C.No.D3/PR.39/10, dated 23.06.2011 awarded an order of punishment of postponement of next increment for two years, which shall not operate to postpone his future increment. It is further stated that aggrieved by the order of the 3<sup>rd</sup> respondent, the petitioner preferred an appeal before the 2<sup>nd</sup> respondent on 25.07.2011 and the same was rejected on 04.05.2012. As against the same, the petitioner preferred a Mercy Petition before the 1<sup>st</sup> respondent on 16.08.2012. Even after several reminders on various dates, the same has not been considered yet. Hence, having no other alternate remedy, except to approach this Court, the petitioner has filed the present Writ Petition seeking for the above relief, so as to enable him to get the promotion to the post of Superintendent of Police, as he is going to attain superannuation by the end of this Year i.e., 2021.

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 considering the fact that the Mercy Petition of the petitioner is pending with the authorities concerned for nearly 8 years, this Court directs the first respondent to consider the Mercy Petition of the petitioner, the last one of which dated 12.01.2021 and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1<sup>st</sup> respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the 1<sup>st</sup> respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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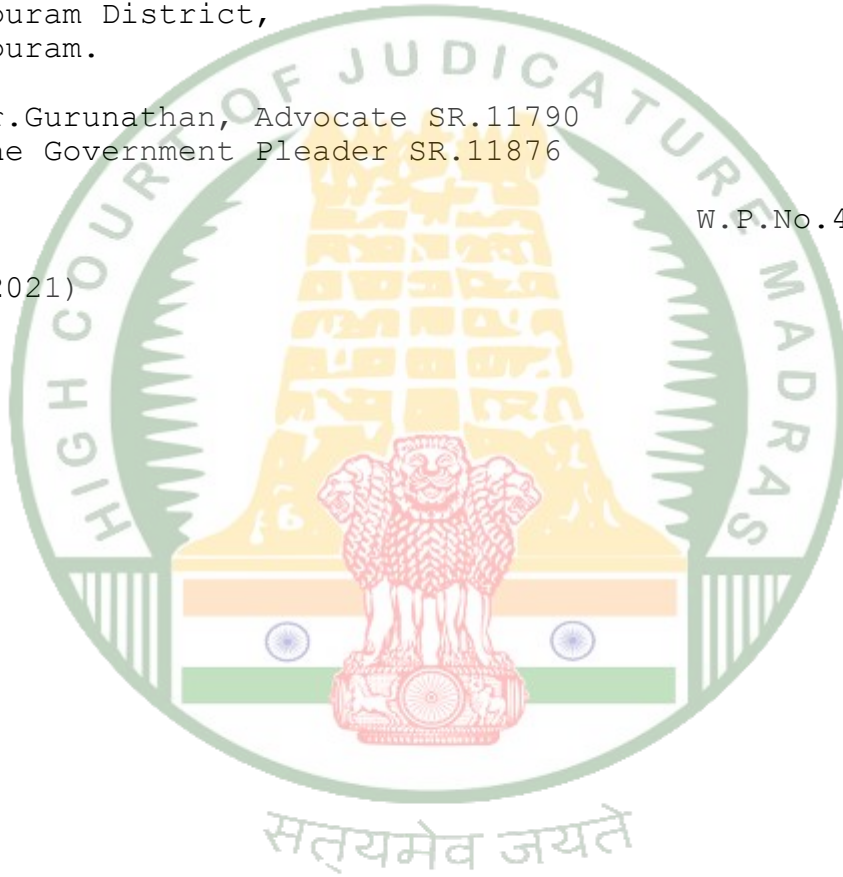
To:

1. The Director General of Police,  
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police,  
Villupuram Range,  
Villupuram.
3. The Superintendent of Police,  
Villupuram District,  
Villupuram.

+1cc to Mr.Gurunathan, Advocate SR.11790  
+1cc to the Government Pleader SR.11876

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MG(CO)  
CB(19/03/2021)



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