

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10628 of 2020
(Heard through VC)

K.Sugumar

.. Petitioner

-vs-

The Director General of Police,
Dr. Radhakrishnan Road,
Mylapore,
Chennai - 09.

.. Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to pass appropriate order on the mercy petition preferred by the petitioner dated 25.06.2019 and 20.02.2020 within reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the respondent to pass appropriate order on the mercy petition preferred by the petitioner dated 25.06.2019 and 20.02.2020 within reasonable time.

2. The petitioner entered into service as Grade-II Police Constable in the year 2006. According to the petitioner, he was falsely implicated in the case in respect of Crime No.219 of 2018 and departmental proceedings were initiated against him under rule 3(b) of the TNPSS (D&A) Rules in P.R.No.90 of 2018 and totally two charges were framed. After receipt of the charge memo, the petitioner has submitted his explanation. The enquiry officer, namely, the Deputy Superintendent of Police, Cuddalore has submitted his report on 04.04.2019. However, the disciplinary authority, namely, the Superintendent of Police,

Cuddalore District has not considered any of the points raised by the petitioner and imposed a major punishment of "Compulsory Retirement from service" in the "F" order dated 23.04.2019. Aggrieved by the said order, the petitioner preferred an appeal to the Deputy Inspector General of Police, Villupuram and the same has been rejected. Hence, the petitioner preferred a mercy petition before the Director General of Police, who is the respondent herein on 25.06.2019 and 20.02.2020 and the same was pending and no orders have been passed so far. Hence, this petition.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's mercy petition is already pending with the respondent, this Court directs the respondent herein to consider the petitioner's mercy petition dated 25.06.2019 and 20.02.2020, if not already disposed of, 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 twelve weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

The Director General of Police,
Dr. Radhakrishnan Road,
Mylapore,
Chennai - 09.

+1cc to Mr.S.Sivakumar, Advocate SR.No.1315

+1cc to The Government Pleader Sr.No.1480

AKM/18.2.21 /2P-4C/

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