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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.14586/2021

[Video Conferencing]

A.Duraisamy .. Petitioner

Vs

1.The Secretary to Government
Home Department, Secretariat
Chennai - 9.

2.The Director General of Police
No.4, Radhakrishnan Road
Mylapore, Chennai-4.

3.The Additional General of Police
Armed Police, Chennai-10.

4.The Deputy Inspector General of Police
Armed Police, Chennai-10.

5.The Assistant Commandant-III
TSP VII, BN, Pochampalli
Krishnagiri District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents to reinstate the petitioner in service with all benefits following the procedure stated in the Police Standing order 67 within the time stipulated by this Court based on his mercy petition dated 08.04.2021.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.C.Kathiravan
Government Advocate

ORDER

1. By consent, the writ petition is taken up for final disposal and disposed of by this order.
2. Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the respondents.



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3. The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus, directing the respondents to reinstate the petitioner in service with all benefits following the procedure stated in the Police Standing order 67 within a time stipulated by this Court based on his mercy petition dated 08.04.2021.
4. The case of the petitioner is that the petitioner joined the service as Secondary Grade Police on 01.02.2011. Since his wife committed suicide, a case has been registered against the petitioner and his family members, based on a complaint. The Sessions Judge, Mahila Court, Salem, convicted the petitioner and his family members and sentenced them to undergo imprisonment apart from payment of fine, vide judgment in SC.No.110/2015 dated 31.07.2017. It is stated that based on the said conviction and sentence, the petitioner was dismissed from service on 07.08.2017. The Criminal Appeal preferred by him before this Court, in CrI.A.No.509/2019, has been allowed, setting aside the conviction and sentence imposed on the petitioner and others. Citing this judgment of acquittal, the petitioner submitted a representation / mercy petition to the respondents on 08.04.2021 seeking reinstatement.
5. Learned counsel for the petitioner would submit that the petitioner will be satisfied if a direction is issued to the 2nd respondent to consider and pass orders on the petitioner's mercy petition/representation dated 08.04.2021 on merits within the stipulated time frame.
6. This Court heard the submissions of the learned Government Advocate appearing for the respondents and perused the materials placed before it.
7. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation/mercy petition dated 08.04.2021 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.
8. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP

To

<https://hcservices.ecourts.gov.in/hcservices/>

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+1cc to Mr.E.C.Ramesh, Advocate SR.No. 33334
+1 cc to Government Pleader Sr.No. 33931

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CP(CO)
A.SK(06.08.2021)