

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31936 of 2014

M.Jayakumar

... Petitioner

Vs.

1.Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.

2.Additional Director General of Police/
Inspector General of Prison,
No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider and pass orders on merit and in accordance with law on the petitioner's representation dated 24/01/2012, regarding cancellation of the order of the first respondent in G.O.(3D).No.83 Home (Prison 2) Department dated 01/08/2005 and reconsider the same in the light of the order passed by this Hon'ble Court in W.P.No.12610 of 2007 dated 21/12/2010, within a time-frame.

For Petitioner: M/s.G.Bala and Daisy

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader

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Heard both sides and perused the materials placed before this Court.

2.The petitioner has filed this writ petition seeking a direction to the first respondent to dispose of his representation dated 24.01.2012.

3.The case of the petitioner is that he joined as Grade II Warder in the year 1983. On 09.08.1997, he was issued with a charge memo under Rule 17(b) of the TNCS (D & A) Rules, along with several others and after enquiry, he was imposed with the punishment of stoppage of increment for two years with cumulative effect.

4.It is the further case of the petitioner that pursuant to the order of this Court in W.P.No.12610 of 2007 dated 21.12.2010, the minor punishments imposed on the other Officials, who were charged along with the petitioner were cancelled. Hence, the petitioner made a representation on 24.01.2012 to the respondents seeking cancellation of the punishment imposed on him. Since there was no response, he has filed this writ petition for the above stated relief.

5.The respondents filed a counter affidavit wherein, it is specifically stated that the representation dated 24.01.2012 said to have been submitted by the petitioner, has not been received by the respondents.

6.In view of the above, this Court directs the petitioner to send a copy of the representation dated 24.01.2012 enclosing the relevant documents, if any, along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider the petitioner's representation, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter.

7.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Police/
Inspector General of Prison,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to the Government Pleader SR.4220

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VG II(CO)
CB(05/03/2021)



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