

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20375 of 2020
(Heard through VC)

R.Elavarasan,
Ex. Police Constable 380

.. Petitioner

-vs-

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

.. Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent herein to consider and pass orders on merits and in accordance with law on the Review petition of the petitioner dated 03.09.2020 with regard to reinstatement into service, within a time-frame.

For Petitioner : Mr.G.Bala and Daisy
For Respondent : Ms.Lalitha
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to consider and pass orders on merits and in accordance with law on the Review petition of the petitioner dated 03.09.2020 with regard to reinstatement into service, within a time-frame.

2. Ms.Lalitha, learned Government Advocate takes notice on behalf of the respondent. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner joined Police Service as Grade II Police Constable on 11.03.2008 under the Sports quota. While so, on 30.01.2012, a criminal case was registered against the petitioner by one Murugapandian, Head Constable. The petitioner was acquitted by the learned Judicial Magistrate No.II,

Tiruchirappalli on 31.12.2013 in C.C.No.57 of 2012. In the mean time, the petitioner was placed under suspension and a charge memo in P.R.No.32/2012 u/r. 3(b) of TNPSS Rules was issued. An oral enquiry was conducted by the Assistant Superintendent of Police, Karur and a report was submitted without taking into account the petitioner's explanation. Further, the Superintendent of Police, Karur had concurred with the findings of the enquiry officer and imposed a major punishment of compulsory retirement on the petitioner vide his order dated 02.09.2014. Hence, the petitioner had preferred a revision petition before the Director General of Police and the same was rejected. Aggrieved by the said order, the petitioner had preferred a Review petition before the respondent on 03.09.2020. However, the petitioner's claim for reinstatement has not been considered so far. Hence, the petitioner is before this Court.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's Review Petition is already pending with the authority concerned, this Court directs the respondent herein to consider the petitioner's Review Petition dated 03.09.2020, 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 three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

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

+1cc to the Government Pleader, S.R.No. 506

W.P.No.20375 of 2020

SV(CO)
GN(12/02/2021)