



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.7790 of 2021

WEB COPY

V.Muniyappan

... Petitioner

vs.

The Director General of Police,
Head of the Police Force,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioner dated 04.12.2020.

For Petitioner : Mr.S.Balasubramanian

For Respondent : Ms.V.P.M.Vaishnavi
Government Advocate

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioner, dated 04.12.2020.

2.Ms.V.P.M.Vaishnavi, learned Government Advocate accepts notice on behalf of the respondent.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, while he was working as Special Sub-Inspector of Police, a charge-memo consisting of two charges have been framed viz., i) the petitioner was unauthorisedly absent himself for two days and (ii) F.I.R was registered against the petitioner in Crime No.1567 of 2017 under Sections 45 and 46 of the Tamil Nadu City Police Act, 1988. After enquiry, the Enquiry Officer found that the petitioner was guilty of both the charges. Based on the Enquiry Report, the Disciplinary Authority viz., the Deputy Commissioner of Police, Law and Order, Madurai City, had inflicted the punishment of "Compulsory retirement from Service". Aggrieved over the punishment inflicted on the petitioner, he preferred an appeal before the Appellate Authority viz., the Commissioner of Police, Madurai City. The Appellate Authority modified the punishment to the effect that "postponement of increments for a period of two years which shall not operate to postponement of future increments".



5.The learned counsel appearing for the petitioner submitted that the petitioner had filed a petition in CrI.O.P(MD)No.2498 of 2018 to quash the proceedings in Crime No.1567 of 2017 on the file of the Inspector of Police, K.Pudur Police Station, Madurai and the second charge has been quashed by this Court in CrI.O.P(MD)No.2498 of 2018, by order dated 27.12.2019. In the above circumstances, the petitioner has given a mercy petition for setting aside the punishment of postponement of increments for a period of two years which shall not operate to postponement of future increments.

6.The learned Government Advocate appearing for the respondent submitted that the petition of the petitioner, dated 04.12.2020 would be considered on merits within the time stipulated by this Court.

7.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

8.Considering the said submissions, without deciding the issue on merits, it is suffice to direct the respondent to consider the mercy petition of the petitioner, dated 04.12.2020 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



W.P(MD)No.7790 of 2021

To

The Director General of Police,
Head of the Police Force,
Chennai.

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+1 CC to M/s.SPL GP (SR-16031[F] dated 16/04/2021)

W.P(MD)No.7790 of 2021
15.04.2021

RK(11.05.2021) 3P 3C