



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14655 of 2021

M.Rajasekaran

... Petitioner

Vs.

1.The Director of General Police,
Tamil Nadu Police Department Law & Order,
Dr.Radhakrishnan Salai,
Mailapur, Chennai.

2.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

3.The Superintendent of Police,
Theni District, Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the order on punishment role in PR 10/14 under Section 3(b) dated 30.11.2015 issued by the 3rd respondent under Section 3(b) of TNPSS (D&A) Rules 1955 in the light of the petitioner's representation dated 11.08.2021 within stipulated time framed by this Court.

For Petitioner : Mr.V.Manikandan for
Mr.S.Sundara Pandian

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for Govt.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to cancel the order on punishment role in PR 10/14 under Section 3(b) dated 30.11.2015, issued by the 3rd respondent under Section 3(b) of TNPSS (D&A) Rules 1955 in the light of the petitioner's representation dated 11.08.2021.

2. According to the petitioner, the third respondent has imposed punishment by his proceedings dated 30.11.2015. As against the same the petitioner has preferred an appeal before the second respondent on 27.06.2016. The said appeal was returned on 18.08.2016, by the second respondent on the ground that the same was not filed within the stipulated time. Hence, the petitioner filed a revision before the first respondent on 28.08.2016. However, the



same was not considered by the first respondent. Hence, the petitioner made a representation on 11.08.2021, seeking to cancel the punishment. Since the same was not considered by the respondents, the petitioner has filed this Writ Petition.

3. At the time of hearing, the learned Standing Counsel for Government appearing for the respondents has produced a copy of the proceeding passed by the first respondent in Rc.No.180082/Ap.2(3)/2018, dated 02.02.2019, wherein the petitioner's petition dated 09.04.2018 was rejected.

4. Considering the facts and circumstances of the case, this Court is of the view that since the petitioner has not challenged the order passed by first respondent dated 02.02.2019, the prayer sought for in this Writ Petition is not entertained and therefore, this Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. However, liberty is given to the petitioner, to challenge the order of the first respondent dated 02.02.2019, in the manner known to law, if so advised. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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.

To:

1.The Director of General Police,
Tamil Nadu Police Department Law & Order,
Dr.Radhakrishnan Salai,
Mailapur, Chennai.

2.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

3.The Superintendent of Police,
Theni District, Theni.

+1 CC to M/s.SPL. GP (SR-29123[F] dated 15/09/2021)

W.P (MD) No.14655 of 2021
14.09.2021

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