



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No. 3287 of 2018

A.Ganesan

...Petitioner

Vs

1. The Secretart to Government,
Home Police Department,
Secretariate,
Chennai -9.
2. The Director General of Police,
Mylapore,
Chennai - 4.
3. The Commissioner of Police,
Madurai City,
Madurai.
4. The Deputy Commissioner of Police,
Armed Reserve,
Madurai City,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records on the file of the first respondent and quash the impugned order in G.O.(2D) No. 217 (Home Police VI) Department dated 08.04.2008 the punishment of 'Black Mark; which is also a belated punishment as illegal and unlawful and arbitrary and quash the same and also direct the respondents to grant subsequent benefits for the delayed and belated impugned proceedings of the first respondent and pass orders.

For Petitioner : Mr. A. Gandiappan

For Respondents : Mr. D. Sadiq Raja,
Additional Government Pleader



ORDER

The petitioner challenges an order of the first respondent dated 08.04.2008 confirming order of imposition of punishment of postponement of increment for one year without cumulative effect, and an appellate order dated 20.11.1999 modifying the punishment originally imposed to that of a blackmark.

2. The impugned order has been passed by the Secretary to Government, dismissing a mercy petition filed by the petitioner. The charge as laid against the petitioner, was that the petitioner who is a Grade I Constable was in the Armed Reserve and had been allotted strong escort duty along with two other officers.

3. The escort group reached the Madurai prison on 07.08.1999 at 2:45 am. According to the petitioner, upon completion of the escort duty, they returned to the Armed Reserve immediately but had been permitted to take rest in the emergency rest room and had reported for duty after rest at 8:30 pm on the same day.

4. The version in counter is different and to that effect that they had reported for duty for the first time at 8:30 pm only with a delay of 17.45 hours, during which time, they were holding the arms, ammunition and handcuffs given to the escort team.

5. Since the explanation as tendered by the petitioner was not borne out by records, a charge under Rule 3 (b) of the Tamil Nadu Police Subordinate Services (Disciplinary and Appeal) Rules, 1955, had been laid and the procedure for domestic enquiry followed, leading to the passing of the impugned orders of punishment.

6. Without going into the factual differences as noticed in the preceding paragraphs, this writ petition can be simply be dismissed on the ground of laches, seeing as the petitioner has chosen to challenge the order passed by R1 after a period of 10 long years.

7. The affidavit filed in support of the writ petition does not contain a whisper of an explanation or justification for the long intervening delay and neither is there any explanation offered at the time hearing of this writ petition. This writ petition is thus dismissed. No costs.

Sd/-

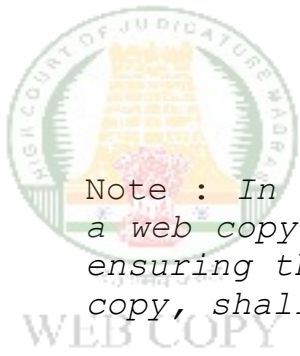
Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

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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 Secretart to Government,
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2. The Director General of Police,
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+1 CC to M/s.SPL GP (SR-38877[F] dated 15/12/2021)

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MGJ(03.02.2022) 3P 6C