



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12368 of 2012

S.Jayakumar

...Petitioner

-Vs-

Deputy Commissioner of Police,
Flower Bazaar District,
Chennai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent in his proceedings in PR.No.26/P.R.N.(1)/2001u/r3(b) dated 27.04.2011, quash the same and direct the respondents to regularize the period of suspension as duty and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondent : Mr.E.Veda Bagath Singh,
Special Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The charge against the petitioner was that he was involved in a criminal case in the State of Andhra Pradesh. On enquiry, a punishment of reduction in time scale of pay for one stage for one year without cumulative effect was imposed, through the impugned order dated 27.04.2011. As against the order of punishment, the petitioner is entitled to prefer an appeal under Rule 5A of the Tamil Nadu Police (Discipline and Appeal) Rules, within a period of two months, as contemplated under Rule 9.

3. The learned counsel for the petitioner submitted that since the criminal case was pending against him at the relevant point of time, he had not preferred the appeal in time. However,



by a subsequent judgement dated 28.10.2011, passed in Criminal Appeal No.168 of 2009 before the Additional Sessions Court, Nellore, the petitioner claims to have been acquitted from the criminal charges. Since the time limit for preferring the appeal had expired, the present writ petition has been filed.

4. Though the petitioner has raised several grounds touching upon the merits of the case, this Court is of the view that such grounds can be agitated in an appeal and that the petitioner can be given an opportunity for filing an appeal in the peculiar circumstances of the case.

5. In the light of the above observation, the petitioner is granted liberty to prefer an appeal before the concerned Appellate Authority, along with a copy of this order, within a period of 30 days from the date of receipt of a copy of this order. On receipt of such an appeal, the Appellate Authority shall consider the same in accordance with law and pass appropriate orders, after extending due opportunity to the petitioner and without insisting for the limitation prescribed under the Rules. The Appellate Authority shall endeavour to conclude the appeal proceedings, atleast within a period of three (3) months from the date of receipt of the appeal.

6. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

hvk

To

The Deputy Commissioner of Police,
Flower Bazaar District,
Chennai.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.16164
+1cc to the Government Pleader, Sr.No.17607

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PM[co]
NSK 23/03/2022