



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.18294 of 2013

N.Hari Kesavan

... Petitioner

Vs.

1.The Director General of Police,
Chennai - 600004.

2.The Inspector General of Police (L&O)
Chennai - 600004.

3.The Deputy Inspector General of Police,
Vellore Range, Vellore.

4.The Superintendent of Police,
Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent dated 20.09.2004 issued in Rc.No.196736/AP II(3)/2002 and the proceedings of the second respondent dated 14.12.1990 issued in Rc.No.220904/AP.II(2)/90 and the proceedings of the third respondent dated 26.07.1990 issued in C.No.B1.AP.44/90 and the proceedings of the fourth respondent dated 13.01.1986 in P.R.155/85 & 27.01.1986 issued in D.O.109/86, quash the same and consequently, to direct the fourth respondent to treat the period of absence from the date of dismissal till the date of his actual superannuation as duty for all purposes and pay eligible pension and arrears.

For Petitioner :Mr.P.I.Thirumoorthy

For Respondents :Mr.T.Chezhiyan
Additional Government Pleader



O R D E R

On the charges of desertion for a period exceeding 21 days, the petitioner was subjected to a departmental inquiry. The petitioner did not participate in the inquiry, consequent to which, the punishment of dismissal from service was imposed on 13.01.1986. The appeal against the punishment came to be rejected by the second respondent herein, on 26.07.1990. So also, the Mercy Petition was rejected by the first respondent on 20.09.2004. After about 10 years, the petitioner had challenged the punishment in this Writ Petition.

2. Admittedly, the petitioner was aware of the inquiry conducted and had chosen not to participate in the same. The reason assigned by the petitioner in the present Writ Petition is that he was undergoing depression owing to certain medical ailment he had. Even assuming that the petitioner was depressed during the relevant point of time and he had not therefore participated in an inquiry, there is no explanation as to why he chose to approach this Court after more than 9 years.

3. In the absence of any explanation for the inordinate delay in challenging the punishment, this Court is of the view that the Writ Petition deserves to be dismissed on the ground of laches. Even before the present Writ Petition was filed, the petitioner has reached the age of superannuation. At this stage, it would not be appropriate to subject the petitioner once more for a departmental inquiry, since the only ground raised by the petitioner is that he was not in a position to participate in the inquiry.

4. In view of the delay in challenging the punishment before this Court, the Writ Petition stands dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Sni
To

1.The Director General of Police,
Chennai - 600004.



2.The Inspector General of Police (L&O)
Chennai - 600004.

3.The Deputy Inspector General of Police,
Vellore Range, Vellore.

4.The Superintendent of Police,
Vellore District.

+1cc to Mr.P.I.Thirumoorthy, Advocate Sr.21520

+1cc to the Government Pleader Sr.21718

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mt[co]
srg 20/04/2022