



WEB COPY



W.P.No.28845 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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S.Senthil Kumar

... Petitioner

Versus

1. The Additional Chief Secretary to Government,
Home Department, Government of Tamil Nadu,
Secretariat, Fort.St.George, Chennai-600 009.
2. The Secretary to Government,
Home Police IV(A)Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.
3. The Director General of Police,
Police Head Quarters,
Mylapre, Chennai-600 004

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents to consider petitioner's mercy petitions dated 28.11.2007, 20.09.2013, 09.01.2018 and Grievance Petitions dated 11.09.2018 and 12.07.2021.



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For Petitioner : Dr.R.Sampathkumar
For Respondents : Mr.L.S.M.Hasan Fizal
AGP

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider petitioner's mercy petitions dated 28.11.2007, 20.09.2013, 09.01.2018 and Grievance Petitions dated 11.09.2018 and 12.07.2021 within a time frame to be fixed by this Court.

2. Admittedly, the petitioner has been imposed punishments in the disciplinary proceedings initiated against him by the respondents. The petitioner is presently working as an Inspector of Police. He has given the aforementioned mercy petitions and grievance petitions to the respondents. The petitioner's grievance is that despite giving such petitions till date, they have not been considered on merits and in accordance with law. In such circumstances, the petitioner has filed this writ petition.

3. Heard Dr.R.Sampath Kumar, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, the main writ



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petition has been taken up for final disposal.

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4. At the outset, learned Additional Government Pleader would submit that on the ground of laches, the petitioner's representations, as stated supra, cannot be considered at this stage.

5. However, learned counsel for the petitioner would submit that though the petitioner had given mercy petitions immediately after the punishment was modified by the Director General of Police on 15.05.2007, till date, the mercy petitions have not been considered.

6. This Court is not expressing any opinion on the merits of the petitioner's mercy petitions as well as the grievance petitions. It is for the respondents to consider the same on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the mercy petitions dated 28.11.2007, 20.09.2013, 09.01.2018 and Grievance Petitions dated 11.09.2018 and 12.07.2021 within a period of twelve weeks from the date of receipt of a copy of this order.



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ABDUL QUDDHOSE,J.

SR

With the aforesaid direction, the writ petition is disposed of. No costs.

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SR

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Additional Chief Secretary to Government,
Home Department, Government of Tamil Nadu,
Secretariat, Fort.St.George, Chennai-600 009.
2. The Secretary to Government,
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