



W.P.No.30080 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30080 of 2018

M.Kavitha

... Petitioner

Vs.

Director General of Police,
Chennai 600 004.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to consider and pass orders on merits and in accordance with law on the representation of the petitioner dated 22.08.2016 with regard to reinstatement into service, as done in the case of one Mr.D.Balaji, Ex.PC1284 of Trichy District in Rc.No.AP.IV (1)/114927/2008, dated 24.10.2008.

For Petitioner

: Mr.G.Bala

For M/s.G.Bala and Daisy

For Respondent

: Mr.S.Rajesh

Government Advocate



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ORDER

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The relief sought for in the present writ petition is to consider the representation filed by the writ petitioner on 22.08.2016 to the respondent and pass orders.

2. The petitioner was recruited as Women Constable and served about 9 years in the Police Department. She remained unauthorisedly absent for more than 21 days and consequently, she was declared as deserter by the competent authorities and accordingly, departmental disciplinary proceedings were initiated against the writ petitioner. A charge memo was issued and an Enquiry Officer was appointed, who in turn conducted an enquiry. Based on the reports submitted by the Enquiry Officer, the Disciplinary Authority by affording further opportunity to the delinquent official, passed the final order imposing the punishment of removal from service. The petitioner preferred an Appeal before the Deputy Inspector General of Police and the Appellate Authority also rejected the Appeal and thus, the petitioner preferred Revision Petition under Rule 15(A) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955.



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3. The learned counsel for the petitioner made a submission that the petitioner, though stated as Mercy Petition, it is a Revision Petition submitted under the Rules for which the petitioner is legally entitled. Therefore, the said petition submitted by the writ petitioner is to be treated as Revision Petition for all purpose and accordingly, it is to be disposed of on merits and in accordance with law as expeditiously as possible.

4. The respondent is directed to complete the said exercise within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose one more copy of the Revision Petition along with a copy of this order.

5. With these directions, the Writ Petition stands disposed of. No costs.

15.11.2022

Jeni
Index : Yes
Speaking order

To

The Director General of Police,
Chennai 600 004.



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S.M.SUBRAMANIAM, J.

Jeni

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