



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.13909 of 2022

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... Petitioner

Vs.

1. The Commissioner of Police (Crime),
Madurai City.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

... Respondents

(2nd respondent has been suo motu
impleaded by this Court, by order,
dated 29.07.2022 in W.P.(MD).No.
13909 of 2022)

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent to dispose of the appeal filed on 07.08.2018 based on the petitioner's representation, dated 30.05.2022, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.P.Murugan
For Respondents : Mr.R.Ragavendran
Government Advocate

O R D E R

Through an order, dated 01.02.2016, the Deputy Commissioner of Police (Crime), Madurai City, had imposed penalty of dismissal from service. As against the said order, the petitioner claims to have filed an appeal on 07.08.2018. Apparently, the appeal has been filed after the limitation period of 30 days.

2. On instructions, the learned Additional Government Pleader submits that no such appeal has been received by the Appellate



Authority, namely the Commissioner of Police, Madurai City. The receipt of the appeal has been produced before this Court, which also evidences that such appeal was not sent to the Commissioner of Police. When the appeal petition was filed belatedly and that too sent to a wrong Authority the present prayer in the writ petition seeking the disposal of the appeal cannot be sustained.

3. Nevertheless, I am of the view that if the petitioner is granted liberty to file a mercy petition before the Director General of Police with a consequential direction to consider such petition, the ends of justice could be secured.

4. In the light of the above findings, the Director General of Police, Dr.Radhakrishnan Salai, Mylapore, Chennai-600 004, is *suo motu* impleaded as party respondent in this case.

5. Consequently, the petitioner is granted liberty to file a mercy petition before the Director General of Police, Chennai, within a period of fifteen days from the date of receipt of a copy of this order and on receipt of such petition, the Director General of Police, Chennai, shall consider it on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1. The Commissioner of Police (Crime),
Madurai City.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+1 CC to M/s.R.MURUGAN, Advocate(SR-34968[F] dated 01/08/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-35255[F] dated 01/08/2022)

W.P. (MD) No.13909 of 2022
29.07.2022