



WEB COPY



W.P.No.1783 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM:

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.1783 of 2021

P.Muthu

. Petitioner

VS.

1.The Deputy Inspector General of Police,
Armed Police, Chennai-10.

2.The Additional Director General of Police,
Armed Police, Chennai-10.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in connection with the impugned order passed by him in BN.PR.No.48/2018 u/r 3(b), R.O.C.No.C1/19199/2018 dated 26.02.2020 and the 2nd respondent in C.No.C1/19199/2018 dated 10.10.2020 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for M/s.M.Muthappan

For Respondents : Mr.D.Ravi Shankar
Special Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent through the proceedings dated 26.02.2020 and the proceedings of the second respondent dated 10.10.2020 and for a consequential direction to the respondents to reinstate the petitioner into service and to grant him all the consequential benefits.

2. The petitioner was working in the Battalion and was in-charge of the “C” company for the period from 25.02.2017 to 25.03.2017 and he was issued with a charge memo dated 17.09.2018 and 3 charges were framed against him. The petitioner gave his reply and denied the charges and an Enquiry Officer was also appointed to conduct enquiry. An Enquiry Report was submitted with a finding that the charges against the petitioner has been proved. The petitioner raised his objections to the Enquiry Report.

3. The petitioner was imposed with a penalty of compulsory requirement by the D.I.G. of Police (first respondent) through order dated 26.02.2020. The petitioner filed an appeal before the second respondent and the appeal was rejected by the second respondent through the order dated 10.10.2020 and the punishment imposed by the Disciplinary Authority was



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confirmed. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The first respondent has filed a counter affidavit and has justified the imposition of the punishment against the petitioner based on the charges proved.

5. Heard Mr.K.Venkataramani, learned Senior Counsel appearing on behalf of the petitioner and Mr.D.Ravi Shankar, learned Special Government Pleader appearing on behalf of the respondents.

6. The learned Senior Counsel appearing on behalf of the petitioner mainly questioned the orders passed by the respondents 1 and 2 on the ground that sufficient opportunity was not given to the petitioner and that the punishment imposed against the petitioner is disproportionate to the charges framed against the petitioner.



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7. During the course of hearing, this Court pointed out to the learned Senior Counsel for the petitioner regarding the Mercy Petition that has been filed before the Director General of Police on 27.10.2020. This Court asked the learned Senior Counsel for the petitioner as to whether he wants to argue this writ petition on merits or would want to exhaust the remedy before the third respondent on the Mercy Petition filed by the petitioner. The learned Senior Counsel for the petitioner fairly submitted that the petitioner will exhaust the remedy before the third respondent in the Mercy Petition that was submitted to the third respondent on 27.10.2020.

8. In the light of the specific stand that was taken by the learned Senior Counsel for the petitioner, this Court does not want to go into the merits of the case and render any finding and it would suffice if a direction is issued to the third respondent to consider the Mercy Petition submitted by the petitioner on 27.10.2020 and to deal with the same on its own merits and in accordance with law and take a decision within a period of eight weeks from the date of receipt of a copy of this order.



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9. In the result, this writ petition is disposed of with the above directions and the petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents including a copy of the Mercy Petition dated 27.10.2020 and a copy of this order. No costs.

31.01.2023

Index : Yes / No
Internet : Yes / No
Jvm

To

- 1.The Deputy Inspector General of Police,
Armed Police, Chennai-10.
- 2.The Additional Director General of Police,
Armed Police, Chennai-10.
- 3.The Director General of Police,
Dr.Radhakrishnan Salai,
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N.ANAND VENKATESH. J

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