



Writ Petition No.23558 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.23558 of 2015

S.Balasubramanian

..Petitioner

vs.

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

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to pass orders on the representation dated 18.05.2015, submitted by the petitioner against the order of punishment imposed in PR. No.45/2009 dated 12.11.2009, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.M.Vigneshraj for

M/s.M.Muthappan

For Respondents : Mr.R.U.Dineshraj Kumar, AGP

ORDER

This writ petition has been filed seeking for issuance of a



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Mandamus, to direct the respondent to pass orders on the representation dated 18.05.2015, submitted by the petitioner against the order of punishment imposed in PR. No.45/2009 dated 12.11.2009, in accordance with law, within the time stipulated by this Court.

2. It is submitted by the learned counsel for the petitioner that the petitioner entered into the service as Grade II Police Constable by the Recruitment Board on 18.03.1994. Later, he was up-graded as Grade I Police Constable in the year 2004 and further upgraded as Head Constable on 16.03.2009. The petitioner was absented for duty from 18.04.2009 to 08.05.2009 for a period of 18 days. A departmental enquiry has been initiated against the petitioner for absenting from duty and he has submitted an explanation also. But the same was not considered, and after the conclusion of the enquiry, a punishment of postponement of increment for two years without cumulative effect, has been imposed. Aggrieved by the same, the petitioner has filed a mercy petition before the concerned authorities on 18.05.2015. But, so far no orders have been passed thereby, he sought for suitable directions.



3.A detailed counter affidavit has already been filed by the respondents stating that the mercy petition filed by the petitioner was considered and the punishment imposed has been modified as "black mark" from the date of the original orders.

4.Heard the learned counsel on either side.

5.In view of the submissions made by the learned counsel on either side and on perusal the entire records available on record, it is seen that this petition has been filed for issuance of a *mandamus*, to consider his mercy petition by setting aside the order passed in PR. No.45/2009 dated 12.11.2009 imposing the punishment of postponement of increment for a period of two years without cumulative effect. As per the counter affidavit filed by the respondents, the mercy petition was considered favourably and punishment of imposing of stoppage of two increments without cumulative effect was withdrawn and the punishment imposed was modified as "block mark". Since the purpose for which the Writ Petition has been filed, has already been fulfilled, no further orders are required to be passed in this Writ Petition.



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6. Accordingly, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
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To
The Director General of Police,
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Mylapore,
Chennai-600 004.



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Dr.D. NAGARJUN, J

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