



WEB COPY



W.P.No.13891 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.13891 of 2023

K.Baskaran

.. Petitioner

Versus

1.The Additional Chief Secretary
to Government,
Home Department,
Fort St.George,
Chennai – 600 009.

2.The Director General of Police,
Law and Order,
Kamarajar Salai,
Chennai – 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.12.2022 and pass order on merits and in accordance with law regarding cancellation of the punishment imposed on the petitioner as done in the case of Mr.V.K.Surendranath, Additional Superintendent of Police (Category 2), in G.O.(2D).No.128 dated 02.06.2021, within a time frame.



W.P.No.13891 of 2023

For Petitioner : Mr.G.Bala
for G.Bala & Daisy

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

The writ petition has been filed to direct the respondents to consider the petitioner's representation dated 22.12.2022, regarding cancellation of the punishment imposed on the petitioner as done in the case of Mr.V.K.Surendranath, Additional Superintendent of Police (Category 2), in G.O.(2D).No.128 dated 02.06.2021.

2. The writ petitioner and one V.K.Surendranath, were originally charged for the alleged possession of unaccounted money in the year 2012 by the police. However, the charges have been slapped on them on 2017. After enquiry, the Disciplinary Authority finds that there is no evidence available on record to impose major punishments however imposed the punishment of Censure on the ground of preponderance of probabilities. Challenging the said punishment, the co-delinquent V.K.Surendranath has filed a writ petition before this Court in W.P.No.174 of 2018 and the same has been allowed and setting aside the



W.P.No.13891 of 2023

punishment of Censure. As against the same, writ appeal has been filed in W.A.No.1754 of 2017, which has been dismissed by this Court. Thereafter, SLP also filed in SLP.No.719 of 2021 and the same has also been dismissed. Thereafter, the Government has given promotion to the co-delinquent based on the G.O.(2D).No.128 dated 02.06.2021. Therefore, the petitioner seeks similar right granted to the co-delinquent. Admittedly, the evidence as against both the delinquents are one and the same and the punishment of Censure has to be set aside.

3. In such view of the matter, this Court is of the view that as the petitioner is already given a representation, the respondents are directed to consider the same, in the light of the earlier order passed by this Court in W.P.No.174 of 2018 and W.A.No.1754 of 2017, and pass final orders within a period of two months from the date of receipt of a copy of this order.

4. With the above direction, the writ petition stands disposed of. No costs.

12.07.2023

Index : Yes/No
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W.P.No.13891 of 2023

N. SATHISH KUMAR, J.

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To

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- 2.The Director General of Police,
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W.P.No.13891 of 2023

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