



W.P.(MD)No.330 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.330 of 2023

M.Mohamed Khan

Vs.

... Petitioner

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 9.

2.The Director General of Police,
Chennai -4.

3.The Additional Director General of Police,
Crime,
Chennai -8.

4.The Commissioner of Police,
Tirunelveli City,
Tirunelveli,
Tirunelveli District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass final order in favour of the petitioner closing the disciplinary action initiated against him and consequently to regularize the period of suspension and to pay all the amount due to the petitioner and to allow him to retire from service with effect from 28.02.2018 with all consequential service and monetary benefits within a period that may be fixed by this Court.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pass final order in favour of the petitioner closing the disciplinary action initiated against him and consequently regularise the period of suspension and to pay all the amount due to the petitioner and allow him to retire from service with effect from



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28.02.2018 with all consequential benefits.

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2. The case of the petitioner is that while he was working as Head Constable in the Video Piracy Cell at Coimbatore, a charge memo has been issued against him on the allegation that he demanded and accepted a sum of Rs.10,000/- as bribe for registering a case under minor Section in Crime No.18 of 2009 of Video Piracy Cell. The said charge memo was challenged before this Court in W.P.(MD).No.516 of 2019. This Court, by order dated 15.07.2021, directed the Additional Director General of Police, Crime, Chennai to proceed against the petitioner under relevant provisions and take a decision within a period of twelve weeks from the date of receipt of copy of the order.

3. In the mean while, the petitioner was placed under suspension. The said suspension order was challenged before this Court in W.P. (MD).No.5396 of 2018. This Court, by order dated 07.01.2022, allowed the writ petition, on the ground that the charge memo issued against the petitioner was quashed by this Court in W.P.(MD).No.516 of 2019.



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However, the benefit was not paid to the petitioner. Hence, the petitioner has made a representation to the respondents on 02.11.2022, requesting them to take necessary action at the earliest and pass final order in his favour. However, till date the same was not considered. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to consider the petitioner's representation dated 02.11.2022 and pass appropriate orders, within a reasonable time as fixed by this Court.

5. Heard the learned counsel for the petitioner and learned Special Government Pleader appearing for the respondents.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representation dated 02.11.2022 and pass appropriate orders, on merits and in accordance with law, within a



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period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

27.01.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv

To

- 1.The Secretary to Government,
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4.The Commissioner of Police,
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M.DHANDAPANI,J.

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