



WP.(MD).No.7709 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7709 of 2024

and

W.M.P.(MD)Nos.7054 and 7055 of 2024

- 1.Sitharthan
- 2.Sankar Raja Pandian
- 3.Sasikumar
- 4.Prasath

... Petitioners

Vs.

- 1.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Trichirappalli Range,
Trichy.
- 2.The Deputy Superintendent of Police,
Prohibition and Excise Wing (PEW),
Trichy District.
(Enquiry Officer)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to appoint some other Enquiry Officer to conduct a free and fair enquiry by furnishing the copies of the documents to the petitioners as per the request made by the petitioners on the basis of representation given by the petitioners dated 07.12.2023.



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For Petitioners
For Respondents

: Mr.B.Jameel Arasu
: Mr.S.Shaji Bino
Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the first respondent to appoint some other Enquiry Officer to conduct a free and fair enquiry by furnishing the copies of the documents to the petitioners as per the request made by the petitioners on the basis of representation given by the petitioners dated 07.12.2023.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioners are working as the Grade I Police Constables in various Police Stations. In course of their employment, a criminal case in Crime No.14 of 2023 on the file of the Inspector of Police, All Women Police Station, Jeeyapuram came to be registered as against the petitioners. In view of the same, they were placed under suspension on 11.10.2023 and following which, they were



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also visited with charge memo. The Deputy Superintendent of Police (PEW) was nominated as an Enquiry Officer to conduct disciplinary proceedings as against the petitioners. The petitioner alleges that the aforesaid person in the course of conducting disciplinary enquiry recorded irrelevant statement, which were not made by the witnesses, who have given statement in the enquiry. Hence, the petitioners gave a representation on 07.12.2023 to the first respondent seeking to appoint some other Enquiry Officer so as to facilitate free and fair enquiry and the same was not considered. Hence, this Writ Petition came to be filed.

4. Heard the learned counsel appearing for the petitioners, the learned Special Government Pleader appearing for the respondents and carefully perused the entire materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the



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representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.In view of the same, without going into merits of the case, this Court hereby direct the first respondent to consider the petitioners' representation dated 07.12.2023 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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