



W.P.(MD).No.14708 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.14708 of 2021

S.Sasikala

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
No.132, EVK Sampath Road,
Vepery, Periyamet,
Chennai-600 007.

2.The Deputy Commissioner of Police,
Armed Reserve,
Greater Chennai Police,
Chennai.

3.The Director General of Police,
Tamil Nadu Police Department,
Mylapore,
Chennai-600 004.

... Respondents

(R3 is suo motu impleaded by this Court vide order, dated 24.01.2024)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to take appropriate action based on the representation, dated 26.04.2021 and reinstate the petitioner as Grade II Police Constable within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy



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For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondent to take appropriate action based on the representation, dated 26.04.2021 and reinstate the petitioner as Grade II Police Constable within a time limit to be fixed by this Court.

2. The learned Additional Government Pleader submits that it is only the Director General of Police, who has to consider. In view of the same, ***The Director General of Police, Tamil Nadu Police Department, Mylapore, Chennai-600 004*** is *suo motu* impleaded as 3rd respondent.

3. The petitioner was enlisted as Grade II Woman Police Constable on 15.02.2005. She was posted at the TSP, 7th Battalion, Palani. Thereafter, in 2007, she was transferred to TSP, Madurai City and again transferred to Palani in 2008. She was further transferred to 38th Platoon of “H” Company of Armed Reserve Police of Greater Chennai Police in 2010. The petitioner suffered domestic issues in her matrimonial life. As a result of which, several anonymous petitions were received at the office of the respondents making



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false allegations against her assassinating her character. An enquiry was conducted by the Assistant Commissioner – III, Armed Reserve, Greater Chennai Police on those allegations. As a result of which, she was not able to discharge her duty peacefully, which lead to her absence from duty from 21.03.2012. Thereafter, when she reported for duty, she was denied works citing her absence from duty from 21.03.2012 and she was informed her case was considered as a case of “desertion” with effect from 26.03.2012 and only after enquiry and the permission of the Commissioner of Police or Deputy Commissioner of Police, she could be allotted with duty. On 11.12.2013, she was removed from service. Against the same, she has preferred a mercy petition to the Commissioner of Police, Greater Chennai Police on 15.11.2017. The same has not been considered. Hence, she again caused another mercy petition, dated 26.04.2021 requesting to reduce the punishment of “removal from service”. Since the same was not considered, this writ petition came to be filed.

4. The learned counsel appearing for the petitioner submitted that considering the fact that she was a victim of circumstances who suffered severe domestic abuse in the matrimonial life, the question of reducing her punishment of “removal from service” has to be considered generously by the respondents and pressed for allowing the writ petition.



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5. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the final order of “dismissal from service”, dated 11.12.2013 was taken by the competent authority after issuing several notices to the petitioner and the petitioner having received the same, she did not turn up to appear for enquiry. Thereafter, the final notice was also affixed in her residence and even after that, she did not turn up. Hence, the final order came to be passed. In view of the same, he pressed for dismissal of the writ petition.

6. Considering the fact that the petitioner is a victim of domestic violence, this Court direct the 3rd respondent to consider the mercy petition of the petitioner, dated 26.04.2021 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs.

24.01.2024

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

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L.VICTORIA GOWRI, J.

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