



W.P.(MD) No.13525 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.13525 of 2021

and

W.M.P.(MD) No.10480 of 2021

S.Rajarithinam

... Petitioner

Vs.

1.The Director General of Police (TN),
Office of the Director General of Police,
Mylapore, Chennai-600 004.

2.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

3.The Superintendent of Police,
Madurai,
Madurai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records relating to the orders passed by the 3rd respondent dated 27.03.1999 in F1/P.R 68/98 and rejection



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order passed by the 2nd respondent dated 25.06.1999 in C.No.A6/Appeal 39/99 and the consequent confirmation order passed by the 1st respondent in appeal dated 30.06.2003 in Rc.No.54498/AP.II (3)/2003 and rejection of the petitioner's review application dated 23.06.2021 by the 1st respondent and quash the same.

For Petitioner : Mr.C.Susi Kumar
For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The petitioner herein, while he was working as Grade-II Police Constable in Tamil Nadu Special Police Battalion, was subjected to disciplinary proceedings by framing a charge on the ground that he overstayed after availing the medical leave without obtaining proper sanction or offering explanation for medical leave. Finally, the disciplinary proceedings ended by imposing a punishment of reduction in rank for two years through proceedings dated 27.03.1999. Aggrieved by the same, the petitioner filed an appeal before the appellate authority and the said appeal



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was rejected by order dated 25.06.1999. Aggrieved by the same, the petitioner also filed a revision before the Revisional Authority and the same was also rejected on 30.06.2003. Thereafter, the petitioner claims to have filed a review petition and complaining the inaction on the part of the respondent in considering the said review petition, the petitioner approached this Court by filing a writ petition *vide* W.P.(MD) No.11285 of 2021. During the pendency of the said writ petition, the petitioner was informed about the disposal of the review petition filed by him by order dated 23.06.2021. Thereafter, the petitioner filed the present writ petition challenging the order dated 27.03.1999 as confirmed by orders dated 25.06.1999 and 30.06.2003.

2. The petitioner has already retired from service as early as on 31.12.2010. The punishment that was imposed on the petitioner was in the year 1999 and the same has become final in the year 2003. Thereafter, the petitioner continued in service for seven long years and then retired from service. Even thereafter also, the petitioner has not taken any steps to question the punishment imposed against him till the year 2021. Thus, almost after a lapse of 17 years, the petitioner has come forward to question



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the punishment that has become final against him as early as in the year 2003.

Thus, there is abnormal and unexplained delay in approaching this Court. In the circumstances, this Court is not inclined to entertain the writ petition on the ground of delay and laches on the part of the petitioner.

3. Accordingly, this Writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

20.02.2024

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

ABR



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MUMMINENI SUDHEER KUMAR, J.

ABR

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