



W.P.(MD).No.12377 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12377 of 2024

M.Thavasupandi

... Petitioner

Vs

1. The Director General of Police,
Government of Tamil Nadu,
Kamarajar Salai, Mylapore,
Chennai - 600 004.
2. The Additional Director General of Police,
Armed Police, Government of Tamil Nadu,
Chennai - 600 010.
3. The Thalavai / Commandant,
Tamil Nadu Special Police 6th Battalion,
New Natham Road, Madurai - 625 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to accept and consider the mercy Revision Petition, dated 29.12.2023 filed by the petitioner and to revoke the punishment of postponement of his next pay increment for one year and grant the time bound promotion, considering his



W.P.(MD).No.12377 of 2024

unblemished service record and acquittal in the criminal case within a stipulated time that may be fixed by this Court.

For Petitioner : Mr. K.C.Ramalingam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.K.C.Ramalingam, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.This Writ Petition has been filed for a direction to the respondents to consider the petitioner's mercy Revision Petition, dated 29.12.2023 and to revoke the punishment.

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



W.P.(MD).No.12377 of 2024

WEB COPY

4. The petitioner is working as a Police Constable in Tamil Nadu Special Police 6th Battalion, Madurai. While in service, a case was registered against the petitioner resulting which, a charge memo was issued to him. Based on the enquiry, he was awarded with punishment by the 3rd respondent. Since the case pending against the petitioner was ended in acquittal, the punishment imposed by the 3rd respondent ought to be revoked. In this regard, he has submitted a mercy revision petition to the 3rd respondent on 29.12.2023 to revoke the punishment imposed against him. However, the same is pending without any consideration. Hence, the present writ petition has been filed.

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 respondents 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 representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the



W.P.(MD).No.12377 of 2024

extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents to consider the mercy revision Petition, dated 29.12.2023, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs.

12.06.2024

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



W.P.(MD).No.12377 of 2024

To

1. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.
2. The Joint Director (Personnel), Directorate of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Sivagangai, Sivagangai District.
4. The District Educational Officer,
Sivagangai, Sivagangai District.
5. The Block Educational Officer,
Manamadurai, Sivagangai District.



WEB COPY



W.P.(MD).No.12377 of 2024

R.N.MANJULA, J.

PNM

ORDER IN
W.P.(MD).No.12377 of 2024

12.06.2024