



W.P.No.745 of 2025

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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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S. Josphin Julia Mary

...Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home (Police II) Department,
Fort St Charge, Chennai 9

2. The Director General of Police,
Dr Radhakarishnan Salai,
Mylapore, Chennai 4

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders on the memorial submitted by the petitioner to the first respondent dated 31.07.2024 against the order passed by the second respondent in his Proc.Rc.No.146321AP.1(1)/2019 dated 07.08.2019 within a reasonable time and pass orders.

For Petitioner

: Mr. Venkataramani,
Senior Advocate

For Respondents

: Mr.Yogesh Kannadasan
Special Government Pleader



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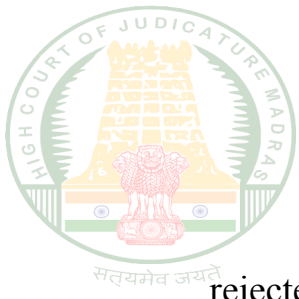
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ORDER

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

2. This petition is filed seeking to issue a Writ of Mandamus directing the respondents to pass orders on the memorial submitted by the petitioner to the first respondent dated 31.07.2024 against the order passed by the second respondent in his Proc.Rc.No.146321AP.1(1)/2019 dated 07.08.2019 within a reasonable time and pass orders.

2. The facts of the case is that the petitioner/Grade-II Police constable was issued with a charge memo on 13.03.2018 u/r 3(b) of TNPSS (D&A) Rules in in PR No.5/2017 by the Superintendent of Police, Tiruppur District. Thereafter, enquiry was conducted and the petitioner was imposed with the punishment of removal from service on 17.04.2017 by Superintendent of Police, Tiruppur District. Against which the petitioner preferred a statutory appeal before the DIG of Police, Coimbatore Range on 31.05.2018 and the said statutory appeal was



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rejected. Thereafter, the petitioner submitted a mercy petition to the Director General of Police on 18.02.2019 who in turn modified the punishment of removal from service into postponement of increment for a period of 3 years with cumulative effect and the petitioner was reinstated in service on 20.08.2019. The grievance of the petitioner is that due to the postponement of increment for a period of 3 years with cumulative effect, the petitioner suffered huge monetary loss which will continue till his retirement and also affect his promotional aspects. Hence, the petitioner has given a representation in this regard to the respondents on 31.07.2024, however the same was not considered by the respondents, which has given rise to this petition.

3.The learned counsel for the petitioner submitted that the petitioner has been acquitted from the criminal case foisted against him before the JM-I Tiruppur in CC No.282/2018 on merit. Hence, there is no legal impediment for the respondents to consider the representation of the petitioner. Hence, prays to allow this petition.

4. The learned Special Government Advocate appearing for the respondent submits that the representation of the petitioner will be considered on merits and in accordance with law.



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5. Heard both sides and perused the materials available on records.

6. Considering the facts of the case, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to co-operate with the respondents to conclude the disciplinary proceedings.

7. With the above observations this writ petition stands disposed of. No order as to costs.

10.01.2025

Index: Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

smn

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