



W.P.No.25442 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.ARUL MURUGAN**

W.P.No.25442 of 2014

P.Gopal

... Petitioner

Vs.

1. Director General of Police,
Chennai

2. Deputy Inspector General of Police,
Salem Range,
Salem.

3. Superintendent of Police,
Namakkal District,
Namakkal.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, prayed to issue Writ of Certiari, to call for the record relating to the impugned orders passed by the third respondent herein in his proceedings in Tha.Pa.No.46/G1/2006, dated 08.08.2009 and modified by the second respondent herein in his proceedings C.No.B1/788/14229/2009 appeal No.88/2009 dated 06.10.2009 and quash the same.



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For Petitioner : M/s.Bala & Daisy

For Respondents : Mr.P.Ananda Kumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the order of the 3rd respondent dated 08.08.2009, which was later modified by the order of the second respondent dated 06.10.2009.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner, who was working as a Head Constable, was on duty at Namakkal police station on 15.06.2006, when a case was registered against him in Crime No.1606 of 2006 under Section 41(i) and 102 Cr.P.C., and after investigation, he was charge-sheeted for an offence under Section 379 IPC. After trial, by judgment dated 03.05.2007, the petitioner was acquitted of the criminal charges.

4. In the mean time, a charge memo was issued u/r 3(b) on 28.11.2006. After receiving his reply and finding it unsatisfactory, an enquiry officer was



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appointed. Since the charges were held to be proved, the disciplinary authority, the 3rd respondent, by order dated 08.08.2009, imposed the punishment of compulsory retirement.

5. Challenging the same, the petitioner approached the the 2nd respondent. In the appeal, the 2nd respondent has taken a lenient view and modified the punishment, from compulsory retirement to that of postponement of increment for three years.

6. Today, when the Writ Petition was taken up for hearing, the learned counsel appearing for the petitioner submits that he is not pressing the relief insofar as challenging the punishment imposed on him. However, since the petitioner submitted a review petition to the 1st respondent on 29.02.2012, he would be satisfied if the review petition is considered and decided on its merits.

7. In this regard, the learned counsel placed reliance on 15(A)(4) of TNPSS Rules and submitted that the Government, as the Head of the Department, may on its own motion or otherwise, call for records and review the orders passed. Even

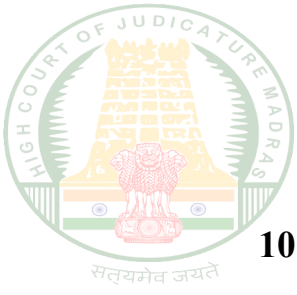


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though, in the petition submitted by the petitioner, it has been referred to as a mercy petition, since there is a provision for review, the petitioner could be considered on merits as a review petition.

8. The learned Government Advocate appearing for the respondents by relying upon the counter affidavit, submitted that the petitioner has not filed any review petition challenging the punishment. Moreover, there is also no acknowledgement of the petition dated 29.02.2012. However, he submitted that if the petitioner submits a fresh copy of the petition, the same will be considered and orders will be passed on merits.

9. In view of the limited submissions made, it is suffice to direct the petitioner to submit a fresh petition seeking review within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall consider and pass order on merits and in accordance with law within a period of eight weeks from the date of receipt of the petition.



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10. With these observation, this Writ Petition stands disposed of. There

shall be no order as to costs.

28.01.2025

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1. Director General of Police,
Chennai

2. Deputy Inspector General of Police,
Salem Range,
Salem.

3. Superintendent of Police,
Namakkal District,
Namakkal.



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