



W.P.(MD)No.16582 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16582 of 2025

T.Paramasivam

... Petitioner

-VS-

Superintendent of Police,
District Police Office,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to reinstate the petitioner in the post of Grade - II Police Constable, by considering his acquittal from the criminal case registered against him with all attendant benefits.

For Petitioner : Mr.K.M.Mohammed Ali

For Respondent : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondent to reinstate the petitioner in the post of Grade-II Police Constable, taking into account his acquittal in the criminal case registered against him, along with all attendant service and monetary benefits.



W.P.(MD)No.16582 of 2025

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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as a Grade-II Police Constable on 30.11.2003 through the Tamil Nadu Public Service Commission (TNPSC). He initially served in the 11th Battalion of the Tamil Nadu Special Police at Rajapalayam and was subsequently transferred to various units, lastly serving in the Motor Transport Section of the Tirunelveli District Armed Reserve as a Driver.

4. Further, an FIR in Crime No.129/2013 was registered against the petitioner on 16.05.2013 under Sections 452, 294(b), 323 and 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. He was remanded to judicial custody on 17.05.2013 and was placed under suspension on the same day. Based on the conviction rendered by the trial Court, the petitioner was dismissed from service by the respondent. Meanwhile, departmental enquiry proceedings were initiated and an Enquiry Officer was appointed. However, the petitioner had submitted a representation seeking deferment of the enquiry pending disposal of his criminal appeal. No final order has been passed in the departmental proceedings till date.



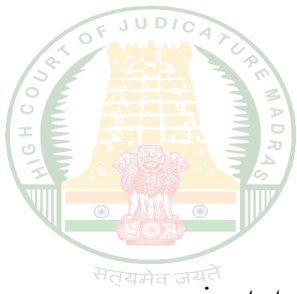
W.P.(MD)No.16582 of 2025

WEB COPY

5. The petitioner filed Criminal Appeal No.93 of 2014 before the III Additional Sessions Court, Tirunelveli, which partly allowed his appeal on 26.09.2016 by acquitting him of all charges except Section 323 IPC. Aggrieved, the petitioner preferred Crl.R.C.(MD) No.754 of 2016 before this Court. Simultaneously, the de-facto complainant preferred Crl.A.(MD)No.38 of 2017 seeking confirmation of conviction.

6. The petitioner submits that on 30.08.2023, this Court passed a common judgment, allowing the petitioner's revision and acquitting him of all charges, thereby, setting aside the conviction rendered by the trial Court. Following his acquittal, the petitioner submitted representations dated 27.11.2023 and 11.12.2024, requesting reinstatement in service with all attendant benefits. However, the respondent has failed to consider or pass any orders on the said representations, leaving the petitioner without any remedy.

7. The petitioner submits that he has been honourably acquitted of all criminal charges and therefore, the basis of his dismissal no longer exists. In the absence of any independent departmental findings, the continued refusal to



W.P.(MD)No.16582 of 2025

reinstate the petitioner amounts to gross injustice and violation of Articles 14 and 21 of the Constitution of India. Therefore, the Petitioner prays that this Court be pleased to issue an appropriate direction to the respondent to reinstate the petitioner in service with continuity and all attendant benefits, considering his honourable acquittal in Crime No.129/2013.

8. Heard both sides.

9. 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 him 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



W.P.(MD)No.16582 of 2025

WEB COPY

10. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 11.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

11. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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20.06.2025

To:-

The Superintendent of Police,
District Police Office,
Tirunelveli District.



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W.P.(MD)No.16582 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.16582 of 2025

20.06.2025