

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2015

CORAM

THE HON'BLE MR. JUSTICE V.DHANAPALAN
and
THE HON'BLE MR. JUSTICE G.CHOCKALINGAM

W.A. No.1777 of 2011
and
M.P.No.1 of 2011

1. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.
 2. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Villupuram.
- ...Appellants
- vs
- A.Subbarayalu
- ...Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 16.02.2010 in W.P.No.43468 of 2006 presented under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 1st respondent herein made in R.O.No.101 of 2006 C.No.B2/PR.No.04/06 dated 27.2.2006 communicated to the petitioner in D.O.No.536 of 2006, C.No.H1/17325 of 2006 dated 17.4.2006 and quash the same.

For Appellants : Mr.R.Rajeswaran,
Spl. Govt. Pleader

For Respondent : Mr.Ravi Shanmugam

JUDGMENT

(Judgment of the Court was delivered by V.DHANAPALAN, J.)

This writ appeal is directed against the order of the learned single Judge dated 16.02.2010 made in W.P.No.43468 of 2006, whereby the learned single Judge allowed the writ petition and set aside the order impugned therein on the ground of lack of jurisdiction by the

first appellant.

2.The brief facts of the case are as follows:

The respondent/writ petitioner is working as Inspector of Police and while he was working in Mandarakuppam police station, he was placed under suspension on the ground that he threatened the iron scrap shop workers and demanded money for not registering a case. The respondent was issued with a charge memo along with a suspension order dated 28.07.2005. The second appellant conducted enquiry and submitted a report to the higher authorities. The enquiry officer held that the charge is proved. According to the respondent, the competent authority to issue show cause notice is only the Director General of Police and the Deputy Inspector General of Police has no authority to issue show cause notice. Therefore, the respondent filed a writ petition in W.P.No.9341 of 2006 and interim stay was granted in the said writ petition. While so, the Deputy Inspector General of Police awarded the punishment of reduction in pay by two stages for two years, which, according to the respondent, is not only without jurisdiction but also contrary to the stay granted by this Court. Therefore, the respondent filed another writ petition in W.P.No.43468 of 2006 and by order dated 16.02.2010, the learned single Judge allowed the writ petition. Aggrieved against the same, the appellants are before this Court with this writ appeal.

3.Heard the learned Special Government Pleader appearing for the appellants and the learned counsel for the respondent.

4.The learned Special Government Pleader appearing for the appellants has submitted that the learned single Judge was not right in allowing the writ petition on the ground that the Deputy Inspector General of Police has no jurisdiction to impose the punishment and the Director General of Police is the competent authority to impose punishment. He would further submit that as per the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, the lowest authority who may impose the penalty of reduction to a lower rank or to a lower post or time scale of a lower stage is the Deputy Inspector General of Police.

5.The learned counsel for the respondent has fairly submitted that as per the rules, as to the minor punishment, the competent authority to pass order is the Deputy Inspector General of Police and therefore, the decision followed by the learned single Judge in M.Rajamani Vs. State of Tamil Nadu (1985 Writ L.R. 97) is not applicable to the facts of the case.

6.The learned Special Government Pleader has submitted that the decision as to the minor punishment and the competency of the concerned authority has been rightly followed in the case of the respondent. Therefore, the learned single Judge is not correct in

relying on the judgment cited supra and setting aside the impugned order.

7.We have considered the submissions made by the learned counsel on either side and perused the decision followed by the learned single Judge in M.Rajamani Vs. State of Tamil Nadu (1985 Writ L.R. 97). A perusal of the decision followed by the learned single Judge in the writ petition, makes it clear that as far as the major punishment is concerned, it can be passed by the appointing authority and in respect of the minor punishment, it can be passed by the Deputy Inspector General of Police. The law laid down in the said case has to be followed by the learned single Judge in accordance with law. Since such consideration is not given, we are of the view that the matter requires interference. Accordingly, we set aside the order of the learned single Judge and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.
2. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Villupuram.

सत्यमेव जयते

1 CC to Mr.Ravi Shanmugam, Advocate SR.No. 238

1 CC to the Government Pleader, SR.No. 218

W.A.No.1777 of 2011

TEJ (CO)
PSI (19.01.2015)