

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26216 of 2011

Goverthan

.. Petitioner

-vs-

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai.
2. The Deputy Commissioner of Police,
(Admin), Armed Reserve II,
Greater Chennai Police, Egmore, Chennai.
3. The Officer of the Commander,
Tamil Nadu Special Police 8th Battalion,
Tihar Jail Campus, Mayapuri, New Delhi.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 3rd respondent vide his proceedings in PR 20-2009 dated 22.02.2010 and quash the same.

For Petitioner : Mr.T.Murugananthan

For Respondents : Mr.P.H.Aravind Pandian,
Addl. Advocate General, assisted by
Mr.V.R.Kamalanathan,
Addl. G.P.

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner assails the imposition of punishment of postponement of his next increment by one year with cumulative effect which shall operate to postpone his future increment.

2.The petitioner is in a disciplined force. The charge against the petitioner was of having touched a lady inappropriately. Enquiry was held by the Deputy Commandant, Tamil Nadu Special Police 8th Battalion, New Delhi. The petitioner submitted his further representation on 22.01.2010. He accepted his lapses and mistakes committed and requested the Commandant to consider his case sympathetically. The Commandant found that the case was proved beyond any doubt and the petitioner himself accepted that he touched the lady in an improper manner, but the excuse given was of losing his balance, which was perceived to be an after thought. In these circumstances, he opined that the misbehaviour towards a lady by a member of uniformed force had to be viewed with severity and the punishment should be deterrent to the others. Despite these observations, a comparatively lenient view was taken on account of the fact that the petitioner was a new comer to the department and had a clean record so far. His repentance was also taken into consideration in the imposition of punishment.

3.We can hardly fault the impugned order on any ground. The grounds of challenge also refer to the previous conduct of the petitioner being blameless and a general allegation of being 'roped-in' is sought to be made.

4.We are in agreement with the finding that the excuse given by the petitioner that he had lost his physical balance is certainly an after thought. The petitioner did lose his balance, not the physical balance, but the balance in conduct and propriety.

5.We find no ground to exercise jurisdiction under Article 226 of the Constitution of India to interfere in favour of the petitioner.

6.Writ Petition, accordingly, stands dismissed. No costs.

sra

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai.
2. The Deputy Commissioner of Police,
(Admin), Armed Reserve II,
Greater Chennai Police, Egmore, Chennai.

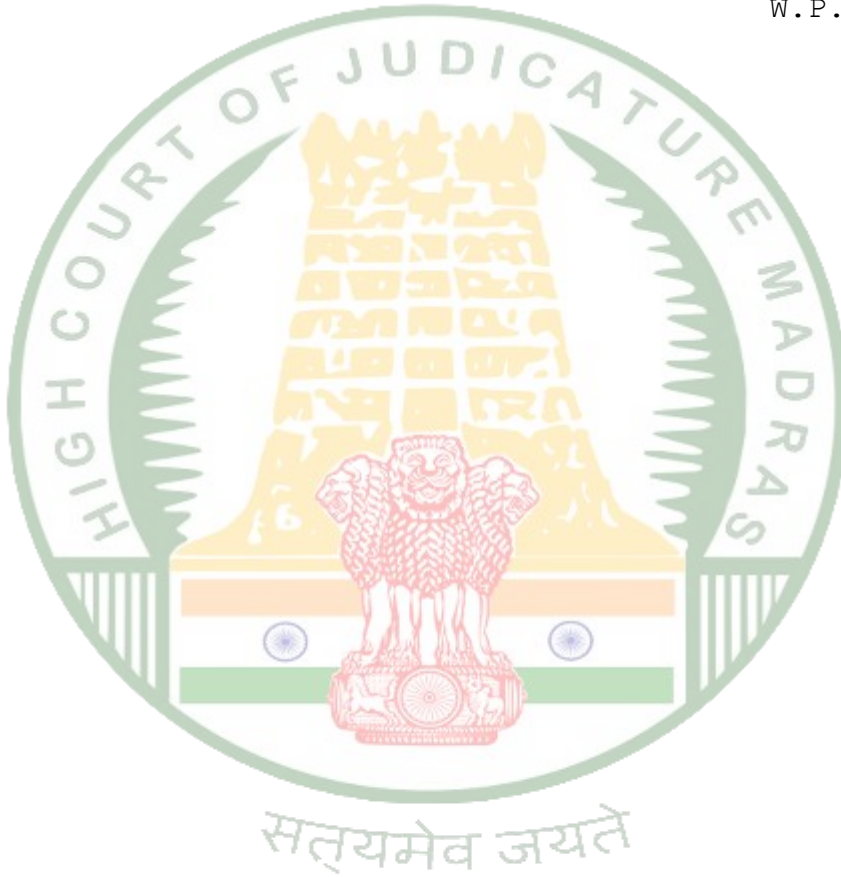
3. The Office of the Commander,
Tamil Nadu Special Police 8th Battalion,
Tihar Jail Campus, Mayapuri, New Delhi.

+ 1 cc to Mr.T.Muruganandham, Advocate SR 45918

+ 1 cc to Govt.Pleader SR 45836

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