

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13562 of 2007
(O.A.No.2517 of 2003)

M.P.Velusamy

.. Petitioner

-vs-

1. Deputy Inspector General of Police
Tirunelveli Range
Tirunelveli-11
2. Inspector General of Police (Law & Order)
South Zone
Madurai-2
3. Director General of Police
Chennai-4

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records in P.R.No.43 of 2000 on the file of the first respondent, quash the order of punishment dated 21.10.2000 passed by the first respondent in P.R.No.43 of 2000 and confirmed by the second respondent in appeal vide his order dated 6.3.2002 passed in C.No.A1/2727/k PR-Appeal/R6/01 and further confirmed by the third respondent vide his order in R.C.No.740/199036/AP.2(1)/2002 dated 22.3.2003.

For Petitioner :: Mr.A.Immanuel

For Respondents :: Mr.N.Srinivasan
Additional Government Pleader

ORDER

The petitioner went before the Tamil Nadu Administrative Tribunal in O.A.No.2517 of 2003 challenging the impugned order of punishment of reduction in time scale of pay by two stages for two years with cumulative effect having a bearing on pension passed by the first respondent in P.R.No.43 of 2000 dated 21.10.2000, as confirmed by the second respondent in C.No.A1/2727/k PR-Appeal/R6/01

dated 6.3.2002 and further confirmed by the third respondent in R.C.No.740/199036/AP.2(1)/2002 dated 22.3.2003, on the ground that neither of the respondents had passed a speaking order, inasmuch as when the disciplinary authority and the enquiry officer had not even pinpointed the role of the petitioner, who was serving as a Sub Inspector of Police at the relevant point of time, the impugned orders passed by the respondents cannot stand to any reason.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. This Court hardly finds any justification to interfere with the impugned orders. The reason is simple and clear. When the petitioner was issued with the charge memo dated 20.2.2000 under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules on two counts, namely, for his highly reprehensible conduct in having made perfunctory investigation in Panagudi Police Station Crime No.340 of 1999 under Section 4(1-A)(aa) of the Tamil Nadu Prohibition Act and failed to bring to light false registration of the case in Panagudi Police Station Crime No.340 of 1999 by Special Sub Inspector of Police Tr.Subbiah and for his highly reprehensible conduct in having manipulated the records falsely to implicate one Maharajan in Panagudi Police Station Crime No.340 of 1999 under Section 4(1-A)(aa) of the Tamil Nadu Prohibition Act, the petitioner, instead of implicating the real accused Mr.Murugan, S/o Maharaja Thevar and Mr.Nambi, brother in law of Mr.Muthupandi in Crime No.340 of 1999, has wrongly and falsely implicated one Mr.Maharajan, S/o Sankarapandi Thevar in the said case, which resulted in the passing of the impugned order of punishment against him. But the petitioner, either before the enquiry officer or before the disciplinary authority, had never placed any document or any acceptable evidence to show that he had rightly implicated the real accused Mr.Murugan and Mr.Nambi in Crime No.340 of 1999 of Panagudi Police Station. Therefore, the enquiry officer found him guilty in the enquiry. Accepting the report of the enquiry officer, the disciplinary authority, rejecting the explanation and the further representation of the petitioner, found him guilty of the two charges and imposed the punishment as referred to above. As against that, the petitioner preferred an appeal before the second respondent-Inspector General of Police (Law & Order), South Zone, Madurai who, finding no merits or substance, rejected the appeal. Aggrieved by the same, the petitioner took up the matter on further revision before the third respondent-Director General of Police, which was also rejected, giving rise to the filing of the original application before the Tamil Nadu Administrative Tribunal. On the abolition of the Tribunal, the said original application came on transfer to this Court and renumbered as the present writ petition.

4. Although the learned counsel for the petitioner, drawing the attention of the Court to the preliminary enquiry report dated 18.12.99 submitted by the Deputy Superintendent of Police, Tirunelveli District and the subsequent charge memo dated 20.2.2000 issued under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, stated that the petitioner had been wrongly dealt with, as he has not committed any irregularity or mistake in implicating Mr.Maharajan, S/o Sankarapandi Thevar, this Court finds no merits in his submission. When the petitioner was dealt with on a definite charge that he had failed to implicate the real accused Mr.Murugan, S/o Maharaja Thevar and Mr.Nambi, brother in law of Mr.Muthupandi in Crime No.340 of 1999 of Panagudi Police Station, his defence that he had implicated one Mr.Maharajan, S/o Sankarapandi Thevar cannot be accepted. Therefore, this Court is not able to see any merits in the writ petition. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-

Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

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To

1. The Deputy Inspector General of Police
Tirunelveli Range
Tirunelveli-11
2. The Inspector General of Police (Law & Order)
South Zone
Madurai-2
3. The Director General of Police
Chennai-4

1 cc to Mr.A. Immanuel, Advocate, Sr. 2888
1 cc to Government Pleader, sr. 2638

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EV (CO)
kk 25/2