

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16701 of 2007
(O.A.No.3203 of 2003)

1. S.Vijayendran (Deceased)
2. V.Dhanalakshmi
3. V.Swaminathan
4. Saroja

(Petitioners 2 to 4 substituted as legal heirs in the place of the deceased petitioner as per order of Court dt. 8.1.15 in M.P.No.1 of 2014 in W.P.No.16701 of 2007 in O.A.No.3203 of 2003)

...Petitioners

-vs-

1. Deputy Inspector General of Police
Thanjavur Range
Thanjavur
2. Superintendent of Police
District Police Office
Thanjavur

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent herein in his proceedings D.O.1547/2002, Rc.No.K4/PR.121/2002 dated 26.9.2002 and quash the same and direct the respondents to reinstate the petitioner into service with all consequential monetary and service benefits.

For Petitioners : Mr.G.Bala

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

ORDER

The first petitioner, challenging the impugned order of dismissal issued by the second respondent-Superintendent of Police, Thanjavur in D.O.No.1547 of 2002, Rc.No.K4/PR.121/2002 dated 26.9.2002 for the proven charges, filed O.A.No.3203 of 2003 before the Tamil Nadu Administrative Tribunal, Chennai, on the ground that he should not have been awarded the extreme punishment of dismissal from service, since the first petitioner, on the refusal by the Sub Inspector of Police to receive the rifle and the rounds from him, had placed only the gun in the Sub Inspector's room and the bullets on the table and left to his native for treatment. That has been wrongly misinterpreted, as though he had forcibly left the rifle and threw the bullets on the table. The matter came on transfer and renumbered as the present writ petition. During the pendency of the matter, as the first petitioner died, the legal representatives have been brought on record, by the orders of this Court.

2. The contention of the learned counsel for the petitioners that the nature of allegation levelled against the first petitioner that he had misbehaved with the Sub Inspector of Police and threw the bullets on the table, has not been found proved by the enquiry officer, does not impress this Court. A mere reading of the finding of the enquiry officer clearly shows that the first petitioner, on being refused medical leave, had not only placed the rifle in the Sub Inspector's room, but also had misbehaved and thrown the bullets on the table. That apart, the further argument advanced by the learned counsel for the petitioners that since the first petitioner, during the pendency of the matter, had died on 13.10.2014, as a result, the petitioner's family had been put on payments without any livelihood, therefore, the harsh punishment imposed against the petitioner, who is no more, should be reasonably modified, also does not impress this Court. The reason is that when the allegation levelled against the first petitioner that he had misbehaved with the Sub Inspector of Police for the refusal to accept his request for leave and the further allegation that he had thrown the bullets on the table, were found proved. Hence, this Court is afraid of interfering with the impugned order, as that would amount to giving a bonus to the misbehaviour attempted to by any police officer in the disciplined force. Therefore, the writ petition fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Inspector General of Police
Thanjavur Range
Thanjavur

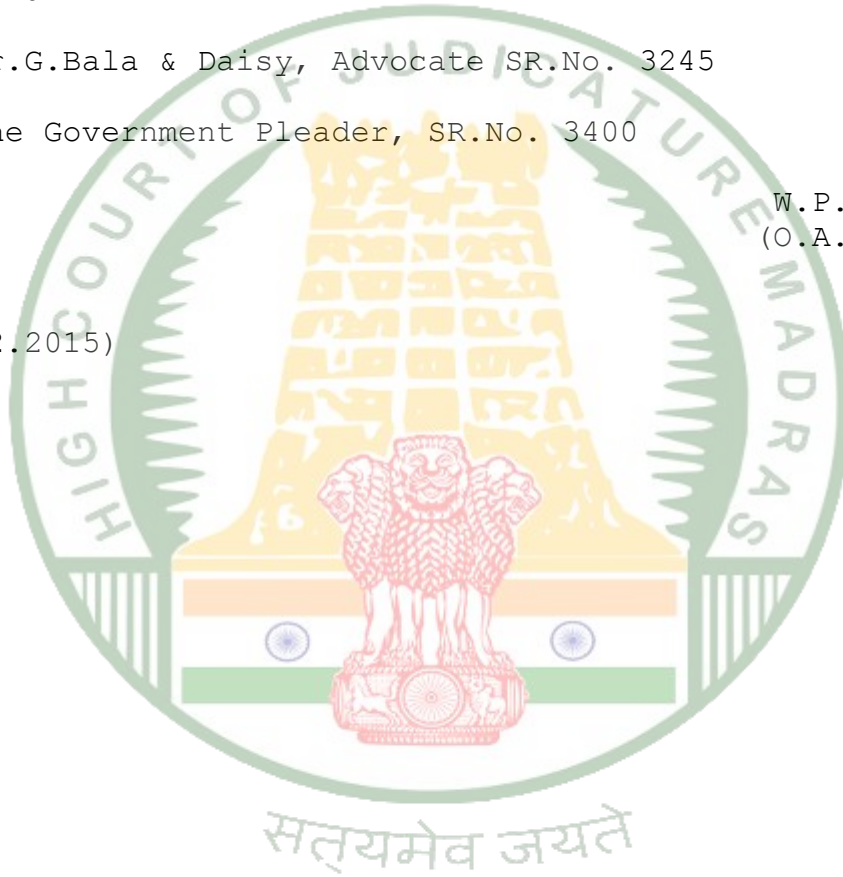
2. The Superintendent of Police
District Police Office
Thanjavur

1 CC to Mr.G.Bala & Daisy, Advocate SR.No. 3245

1 CC to the Government Pleader, SR.No. 3400

W.P.No.16701 of 2007
(O.A.No.3203 of 2003)

KGK (CO)
PSI (09.02.2015)



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