

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.06.2016

CORAM:

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO**

**W.A. (MD) No.348 of 2016
and
C.M.P (MD) No.2159 of 2016**

- 1.The Inspector of Police,
Traffic Regulation Department,
Nagercoil, Kanniyakumari District.
 - 2.The Deputy Superintendent of Police,
Nagercoil, Kanniyakumari District.
 - 3.The Superintendent of Police,
Kanniyakumari District.
 - 4.The Deputy Inspector General of Police,
Tirunelveli Range.
 - 5.The Director General of Police,
Tamil Nadu, Chennai.
 - 6.The State of Tamil Nadu,
represented by its
Principal Secretary,
Home (Police VI) Department,
Fort St. George,
Chennai - 600 009.
- ... Appellants/Respondents

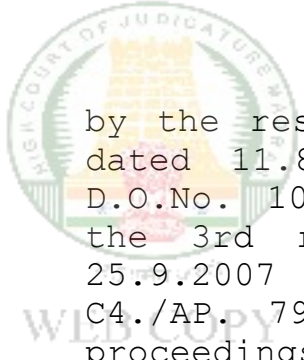
Vs.

Robinson ... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 30.03.2011 made in W.P.(MD).No.4729 of 2010 on the file of this Court.

Prayer in WP(MD). 4729/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ of Ceritiorari calling for the records pertaining to the impugned orders passed



by the respondents in their proceedings in PR. 65/07 U/r. 3(A), dated 11.8.2007 issued by the 2nd respondent, proceedings in D.O.No. 1022/2007 C.No. L2/PR.65/2007, dated 5.9.2007 issued by the 3rd respondent proceedings in C.No. L3/AP/19/2007, dated 25.9.2007 issued by the 3rd respondent proceedings in C.No. C4./AP. 79/2007, dated 5.12.2007 issued by the 4th respondent. proceedings in RC.No. 57003/AP 2(1)/2008 dated 12.5.2008 issued by the 5th respondent and proceedings in G.O.(2d) No. 21 Home (Pol. VI) Department, dated 22.1.2009 issued by the 6th respondent and quash same.

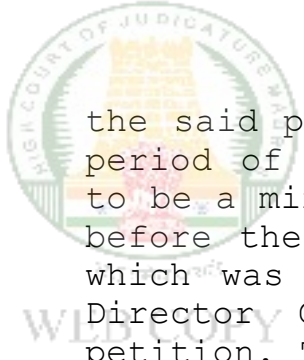
For Appellants : Mr.B.Pugalendhi
Special Government Pleader
For Respondent : Mrs.J.Nisha Banu

JUDGMENT

[Judgment of the Court was delivered by
NOOTY.RAMAMOHANA RAO.J.]

This writ appeal is preferred by the respondents in the writ petition, which is instituted challenging the order imposing the punishment of postponement of increment for a period of two years, which shall not effect further increment, on the writ petitioner, which was modified by the appellate authority to that of postponement of one increment for a period of one year without cumulative effect.

2. The writ petitioner while working as a Head Constable was subjected to disciplinary proceedings, by framing an appropriate charge against him, for the misconduct of demanding money from a person, who was allegedly found driving on the wrong side, of a road, which is meant for one way traffic. Upon refusal to pay the money demanded, it was alleged that the writ petitioner pulled the said person from out of his car and slapped him. The Inspector of Police, Traffic Regulation Department, Nagercoil, was appointed as an Enquiry Officer, before whom, P.W.4 - the original complainant was examined. His wife was also examined as P.W.3 among others. It was noted that P.W.4 was a retired Bank Officer and P.W.3 - his wife, was working as a Reader in a local Women's College and they being responsible persons, have no manner of any grudge or ill-will towards the writ petitioner to make any false allegations against him. Upon a proper appreciation of the evidence brought on record, a very lenient view has been exhibited by the disciplinary authority, namely, the Deputy Superintendent of Police, Nagercoil, who awarded a minor punishment of postponement of one increment for a period of two years, which will not have any further effect. In other words, what has been imposed by the disciplinary authority is a minor punishment of withholding of one increment for a period of two years. When an appeal was filed there against, the Superintendent of Police, Kanyakumari District, has modified



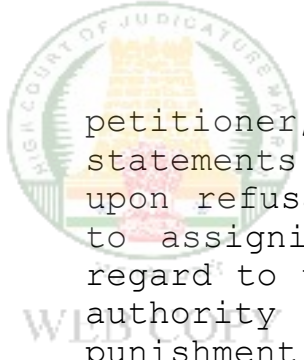
the said punishment to that of withholding of one increment for a period of one year without cumulative effect, which also remains to be a minor punishment. The writ petitioner preferred a revision before the Deputy Inspector General of Police, Tirunelveli Range, which was rejected and thereafter, he carried the matter to the Director General of Police, Tamil Nadu, by way of a mercy petition. That was also rejected by the Director General of Police and then he filed a further petition before the State Government obviously seeking its sympathetic consideration. That was turned down. Hence, he instituted the writ petition, challenging the orders passed by the aforementioned authorities, one after the other.

3. The learned Single Judge who decided the writ petition, has proceeded on the premise that no reasons are assigned for drawing the conclusion that the writ petitioner was guilty of the charge framed against him and hence, interfered with the punishment order.

4. The charge laid against the writ petitioner, is a serious one. In that, it was alleged that the writ petitioner demanded money from a person, allegedly driving the car on the wrong side of a road, where vehicular traffic is allowed in one direction only. Upon refusal to pay the money, the said person was pulled out of the car and was slapped. Thus, the complaint came to be lodged by the victim. He was examined before the Enquiry Officer. During the course of enquiry, as P.W.4, he was found out to be a retired Bank Officer. His wife was examined as P.W.3. She was working as a Reader in a Women's Institution of Higher Education.

5. When there was nothing on record to discredit the statements made by such respectful members of the society, the statements made by them would automatically inspire confidence for the ring of truth surrounding them. Therefore, no error was committed by the Deputy Superintendent of Police - the disciplinary authority, in accepting the testimony of P.W.3 and P.W.4 before the Enquiry Officer and then concluded that the charge laid against the writ petitioner as proved. In fact, the disciplinary authority had shown far lenient attitude towards the writ petitioner by imposing a minor punishment of withholding one increment for a period of two years without cumulative effect. When an appeal was filed, the appellate authority, Superintendent of Police, Kanyakumari District, has further shown compassion and reduced it to that of stoppage of one increment for a period of one year without cumulative effect.

6. Stoppage of one annual grade increment without cumulative effect is a minor punishment, which can be imposed without there being any necessity to follow an elaborate procedure. The disciplinary authority has assigned elaborate reasons for imposition of a minor punishment. When there is no reason for P.W.3 and P.W.4 to make false allegations against the writ



petitioner, the disciplinary authority has accepted their statements that the writ petitioner demanded money from then and upon refusal, the writ petitioner has slapped P.W.4. That amounts to assigning a valid reason behind the conclusion reached with regard to the guilt of the writ petitioner. In fact, the appellate authority has not assigned any reason for reducing the minor punishment of withholding one increment by a further period of one year. Since that was not an issue raised, we are refraining from interdicting the order passed by the appellate authority reducing the punishment imposed by the disciplinary authority.

7. The conclusion drawn by the learned Single Judge that there are no reasons behind the order of the disciplinary authority, is not, hence, sustainable. The learned Single Judge himself quoted that part of the order of the disciplinary authority which reflected the reasons for the conclusion drawn by him. Therefore, in our opinion, the judgment rendered by the learned Single Judge is unsustainable and accordingly, we allow this appeal and set aside the judgment and order passed by the learned Single Judge. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police, Traffic Regulation Department,
Nagercoil, Kanniyakumari District.

2.The Deputy Superintendent of Police,
Nagercoil, Kanniyakumari District.

3.The Superintendent of Police, Kanniyakumari District.

4.The Deputy Inspector General of Police, Tirunelveli Range.

5.The Director General of Police, Tamil Nadu, Chennai.

6.The Principal Secretary, State of Tamil Nadu,
Home (Police VI) Department, Fort St. George, Chennai - 600 009.

+1 cc to The Special Government Pleader in SR.No. 29444

rsb

CSL/SKS-RR/05.07.2016 :4p/8c

JUDGMENT MADE IN

W.A. (MD) No.348 of 2016

and C.M.P (MD) No.2159 of 2016

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