

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Appeal No.1220 of 2017
and
C.M.P.No.17188 of 2017

S.Thomsson .. Appellant/Petitioner

-vs-

- 1.The Deputy Commissioner of Police,
Anna Nagar District, Greater Chennai,
Chennai 600 040.
- 2.The Deputy Commissioner of Police,
Ambattur District, Avadi,
Chennai 600 054. .. Respondents /Respondents

Appeal filed under clause 15 of the Letters Patent against the order dated 21.08.2017 in W.P.No.22218 of 2017 on the file of this Court.

Petitioner filed under Article 226 of the constitution of India to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings P.R.No.24 /W2/2016 - P.R.No.42/980 /WZ /2015 dated Nil .02.2016 signed on 25.05.2016 and quash the same

For Appellant : Mr.C.Prakasam

For Respondents : Mr.P.Sanjay Gandhi
Addl. Govt. Pleader

J U D G M E N T

(Judgment of the Court was delivered by S.Vaidyanathan, J.)

The appellant challenged the order of this Court dated 21.08.2017 in W.P.No.22218 of 2017, wherein the relief sought for by the petitioner/appellant that the charge memo dated 'Nil'

February, 2017, signed on 25.05.2017 has got to be quashed was not granted.

2. Admittedly, the appellant/petitioner has come forward challenging the charge memo and unless there are exceptional circumstances like that the charge memo has been issued by the incompetent authority or person having no jurisdiction or malafides raised and in violation of statutory rules, this Court cannot interfere with the charge memo. There is catena of judgments deprecating the practice of entertaining the writ petition questioning the charge memo. We find that the learned Judge has correctly held that all the points raised by the petitioner have got to be agitated before the disciplinary authority, who is the fact-finding authority.

3. Hence, we find no merits in the writ appeal and the same is dismissed. The disciplinary proceedings have got to be proceeded with on day-to-day basis without adjourning the matter beyond the seven working days at any point of time so that there is finality to the issue. No costs. Consequently, C.M.P.No.17188 of 2017 is also dismissed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Deputy Commissioner of Police,
Anna Nagar District, Greater Chennai,
Chennai 600 040.

2. The Deputy Commissioner of Police,
Ambattur District, Avadi,
Chennai 600 054.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.70995
+1cc to the Government Pleader, S.R.No.70884

W.A.No.1220 of 2017

KK (CO)
GN (27/10/2017)