

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.30739 of 2014

P.Rajkumar

... Petitioner

Vs.

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-4.
2. The Commissioner of Police,
Chennai City Police, Chennai-7.
3. The Deputy Commissioner of Police,
Motor Transport ic Armed Reserve,
Greater Chennai Police, Chennai-7.
4. The Assistant Commissioner of Police,
Armed Reserve - II,
Vepery, Chennai-7. Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of 1st respondent proceedings Rc. No.189339/AP.3(2)/2012, dated 21.4.2014 and quash the portion of the order of "Postponement of increment for three years with cumulative effect" and further direct the 2nd respondent to upgrade the petitioner as Grade I Police Constable and Head Constable.

For Petitioner : Mr.L.Chandrakumar for
Mr.J.Stalin.

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader
for R1 to R4

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for Mr.J.Stalin learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondent Nos.1 to 4.

2.The writ petition has been filed seeking the following relief,

"To issue a Writ of Certiorarified Mandamus to call for the records of 1st respondent proceedings Rc. No.189339/ AP.3(2)/2012, dated 21.4.2014 and quash the portion of the order of "Postponement of increment for three years with cumulative effect" and further direct the 2nd respondent to upgrade the petitioner as Grade I Police Constable and Head Constable."

3. The case of the petitioner is that he has joined the Police Constable on 15.04.1997. While he was working in the Police Department, he was implicated in a criminal case, thereafter, a charge memo was issued against the petitioner. An enquiry was conducted into the charge memo and the charges were held to be proved in the enquiry. Thereafter, an order of removal from service was passed against the petitioner on 12.04.2006. The said order of removal from service was also confirmed in appeal and also further affirmed in the review.

4. In the mean while, the criminal case ended in acquittal on 28.02.2013. After being acquitted, the petitioner submitted a representation on 07.05.2014, seeking to review the order and to reconsider the punishment. In response to the representation, the first respondent modified the punishment of "Removal from Service" to that of "Postponement of increment for three years with cumulative effect". After modification of the punishment, the petitioner was reinstated in service by the second respondent, by his proceedings dated 07.05.2014. The said penalty order is under challenge in the present writ proceedings.

5. Learned counsel appearing for the petitioner would submit that he was falsely implicated in the criminal case, which ultimately ended in acquittal and therefore, imposition of impugned penalty cannot be sustained.

6. Upon notice, the learned counsel for the respondents has entered appearance and filed a detailed counter affidavit.

7. The attention of this Court has been drawn to the grounds raised in the writ petition, assailing the impugned order of penalty passed against the petitioner. None of the grounds raised in the writ petition calls for interference from this Court. It is also to be seen that acquittal by the Criminal Court is not a Honourable acquittal, but the same was on the basis of granting benefit of doubt to the accused. Therefore, the imposition of penalty of postponement of increment for three years with cumulative effect is perfectly in order and the same does not

suffer from any infirmity. This Court does not find any merits or substance in the writ petition and accordingly the writ petition stands dismissed. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-4.
 2. The Commissioner of Police,
Chennai City Police, Chennai-7.
 3. The Deputy Commissioner of Police,
Motor Transport ic Armed Reserve,
Greater Chennai Police, Chennai-7.
 4. The Assistant Commissioner of Police,
Armed Reserve - II,
Vepery, Chennai-7.
- + 1 cc to Mr.J.Stalin, Advocate,SR.67079
+ 1 cc to The Govt.Pleader, SR.67545

W.P.No.30739 of 2014

MR(CO)
NR 12/10/2017

सत्यमेव जयते

WEB COPY