

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31469 of 2017

R.Rajasekaran .. Petitioner

-vs-

1. The Commissioner of Police
Greater Chennai City
Vepery
Chennai 600 007
2. The Deputy Commissioner of Police
Administration
Greater Chennai City
Vepery
Chennai 600 007
3. The Deputy Commissioner of Police
Security Chennai Police
Greater Chennai City
Vepery
Chennai 600 007 .. 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 of the impugned order of second respondent dated 29.08.2017 made in PR.No.556/PR IV(1)/2016 and direct the respondents to re-instate the petitioner with continuity of service.

For Petitioner :: Mr.M.K.S.Sundar

For Respondents:: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the correctness of the impugned order passed by the appellate authority, confirming the order passed by the disciplinary authority removing the petitioner from service, on the ground that the petitioner along with his wife had conducted an unregistered chit fund and cheated their neighbours to a sum of Rs.1,24,83,165/-.

2. At the outset, the order passed by the disciplinary authority in P.R.No.556/PR IV(1)/2016 shows that the petitioner and his wife had run an unregistered chit fund and had swindled a sum of Rs.1,24,83,165/- from 33 persons residing in the police quarters, thereby violating the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 under Rule 7. Finally, accepting the findings of the enquiry officer after a proper enquiry, the disciplinary authority imposed the punishment of removal from service on the petitioner for the proved misconduct by his order dated 20.3.2017. As against that order, an appeal was filed before the Commissioner of Police, Greater Chennai Police, Vepery, Chennai. A perusal of the order passed by the appellate authority also would show that the appellate authority, while considering the charge levelled against the petitioner, which ultimately came to be proved against him, concurring with the order of removal passed by the disciplinary authority, has rejected the appeal on the ground that the petitioner, being a responsible Special Sub Inspector of Police, should abide by the conduct rules. But he failed to do so. He has further come to the conclusion that the activities done by the petitioner while serving in the disciplined force cannot be entertained by the Department.

3. I also find no infirmity either in the order passed by the disciplinary authority or the order passed by the appellate authority confirming the order of removal from service. Being a responsible Special Sub Inspector of Police, it is not known how the petitioner, joining hands with his wife, in the guise of conducting an unregistered chit fund, after collecting a huge amount of Rs.1,24,83,165/- from the residents of the police quarters, can cheat them. However, the learned counsel for the petitioner submitted that the petitioner was not given opportunity to cross examine the witnesses. This contention also does not carry any merit. The reason is that the disciplinary authority, while dealing with the findings given by the enquiry officer, has also noted that the delinquent cross examined P.W.1 only and did not cross examine the other two P.Ws. He was also served with the summons dated 4.8.2016, 30.8.2016, 22.9.2016, 4.10.2016, 13.10.2016 and 21.10.2016 for his appearance in the enquiry. But the petitioner appeared only on 13.10.2016 and 21.10.2016. Moreover, since his written representation was not submitted in time, a reminder memo dated 8.11.2016 was served on him as a final chance to appear on 21.11.2016. Only then he submitted his further written statement of defence on 28.11.2016. When the delinquent and his wife were arrested for cheating and misappropriation by the Inspector of Police, Central Crime Branch on 16.4.2016 and 2.6.2016 respectively and remanded in Puzhal Central Prison for swindling a sum of Rs.1,24,83,165/- from the residents of the quarters and thereby violated Rule 7 of the Tamil Nadu Subordinate Police Officers' Conduct Rules, he cannot take such a defence. In my considered opinion, the finding of facts arrived at by the disciplinary authority, as confirmed by the appellate authority

in the impugned order, does not call for any interference. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.34574 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police
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3. The Deputy Commissioner of Police
Security Chennai Police
Greater Chennai City
Vepery
Chennai 600 007.

+1cc to Mr.G.Muthukumar, Advocate SR.No.86697/17
+1cc to Government Pleader SR.No.87400/17

W.P.No.31469 of 2017

sv(co)
sm:26.12.2017

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