

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.11.2017
CORAM
THE HONOURABLE Mr.JUSTICE V.PARTHIBAN
W.P.No.40119 of 2006

M.Selvarajan

... Petitioner

Vs

The Secretary to Government,
Home (Police II) Department,
Fort St.George,
Chennai 600 009.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the respondent in connection with the impugned order passed by the respondent in G.O.2D.No.407, Home (Pol.2) Department, dated 07.07.2006 and quash the same.

For Petitioner : Mr.T.Ayngara prabhu
For Respondent : Mr.S.Gunasekaran,
Additional Government Pleader

O R D E R

Heard Mr.T.Ayngara prabhu, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondent.

2. The petitioner has approached this Court for seeking the following relief,

"To issue a writ of Certiorari, to call for the records of the respondent in connection with the impugned order passed by the respondent in G.O.2D.No.407, Home (Pol.2) Department, dated 07.07.2006 and quash the same."

3. The case of the petitioner is as follows:-

The petitioner was directly recruited as Sub-inspector of Police by selection conducted by the Tamil Nadu Public Service Commission in the year 1973. He was promoted as Inspector of Police in the year 1984 and he was further promoted as Deputy Superintendent of Police in the year 2001.

4. According to the petitioner, he had received several rewards for his unblemished service. While he was working as Deputy Superintendent of Police, he was issued a charge memo

under Rule 17(b) of Tamil Nadu Police Subordinate Service (Disciplinary and Appeal) Rules for some act of misconduct. After getting reply for the charge memo, an enquiry was conducted and an enquiry report has held that out of two charges, one charge was proved and the other one was not proved. Thereafter, an explanation was obtained from the petitioner to the enquiry report. However, the same was found to be not satisfactory, the disciplinary authority accepted the findings and imposed a punishment of censure by an order dated 07.07.2006. The said order of censure is under challenge before this Court.

5. The learned counsel for the petitioner would submit that it is a case of no evidence and therefore, the imposition of penalty though minor one, cannot be sustained in law.

6. Therefore, this Court has gone through the order passed by the disciplinary authority and is of the view that there was some evidence available for establishing the charge No.1, against the petitioner and the punishment imposed on the petitioner was only a censure and the same does not call for any interference of this Court. It is also to be seen that the petitioner has attained the age of superannuation long ago and retired from service. In any event, this Court does not find any infirmity in the order passed by the disciplinary authority and therefore, the writ petition is devoid of merits and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

gsk

To

The Secretary to Government,
Home (Police II) Department,
Fort St.George,
Chennai 600 009.

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+1 cc to Mr.M.Muthappan Advocate sr 82000
+1 cc to Govt Pleader sr 82047

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