

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33231 of 2017

T.Swamydoss

.. Petitioner

-vs-

Principal Secretary to Government
Home (Police-V) Department
Secretariat
Chennai 600 009

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 19.09.2017 Ref.G.O.(2D) No.294 Home (Police-5) Department issued by the respondent authority and quash the same and consequently direct the respondent authority to reinstate the petitioner in service and grant him all consequential service benefits as may be directed by this Hon'ble Court.

For Petitioner:: Mr.S.Thanka Sivan

For Respondent:: Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

This writ petition is directed against the impugned G.O. (2D) No.294 Home (Police-5) Department dated 19.9.2017, imposing the punishment of removal from service against the petitioner for having shown boundless carelessness and insincerity to allow from his custody a hard core criminal by name Chukhapaul on 20.7.88 at 19.30 hours while he was washing his hands after supper in a hotel near Bapatla Railway Station (Andhra Pradesh). When the remand prisoner had been entrusted to the petitioner at the Central Prison, Chennai on 19.7.88 in order to produce him before the Additional Munsif Court, Bapatla and to be brought back to the prison, the petitioner has miserably failed to take care of the hard core criminal, as a result he escaped from custody causing damage to the Police department. Moreover, in view of the escape made by the said hard core criminal, the entire department was made to deploy several police teams to nab

the said hard core criminal. But, finally, they were not able to trace out the said criminal. Therefore, the petitioner was departmentally proceeded with in P.R.No.42 of 1988 by issuing a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955. The petitioner, on receipt of the said charge memo, submitted his explanation stating that he was very careful, but, while he was washing his hands after taking dinner in a hotel near Bapatla Railway Station in Andhra Pradesh, he was not able to catch the hard core criminal, as a result he escaped from that place. Finding his explanation not satisfactory, an enquiry officer was appointed, who also, after extending fair and reasonable opportunity to the petitioner, completed his enquiry finding the petitioner guilty. A copy of the report of the enquiry officer was also furnished to the petitioner calling upon him to submit his written representation to the report of the enquiry officer. Finally, when the written representation was also submitted, again the disciplinary authority, finding the said explanation also not satisfactory, accepting the report of the enquiry officer, passed an order of removal from service. The disciplinary authority, while passing the order imposing the punishment of removal, also gave a finding that the petitioner had not produced any witnesses or documents to prove his innocence.

2. While the petitioner was working in the police department, within two years of his entry into service, he has shown his carelessness and insincerity to duty. On this score, finding that the petitioner is unfit for the police service, the disciplinary authority imposed the punishment of removal from service. As against that, when the petitioner also preferred an appeal, the same failed to impress upon the Government and finally the Government also came to the conclusion that there was no valid reason to show any leniency towards the petitioner. When the utter carelessness and insincerity shown by the petitioner for allowing one hard core criminal by name Chukhapaul to escape from his custody had warranted the imposition of major punishment of removal from service and finally the Government also affirmed the said punishment, this Court, sitting under Article 226 of the Constitution of India, is not inclined to interfere with the impugned order. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

ss

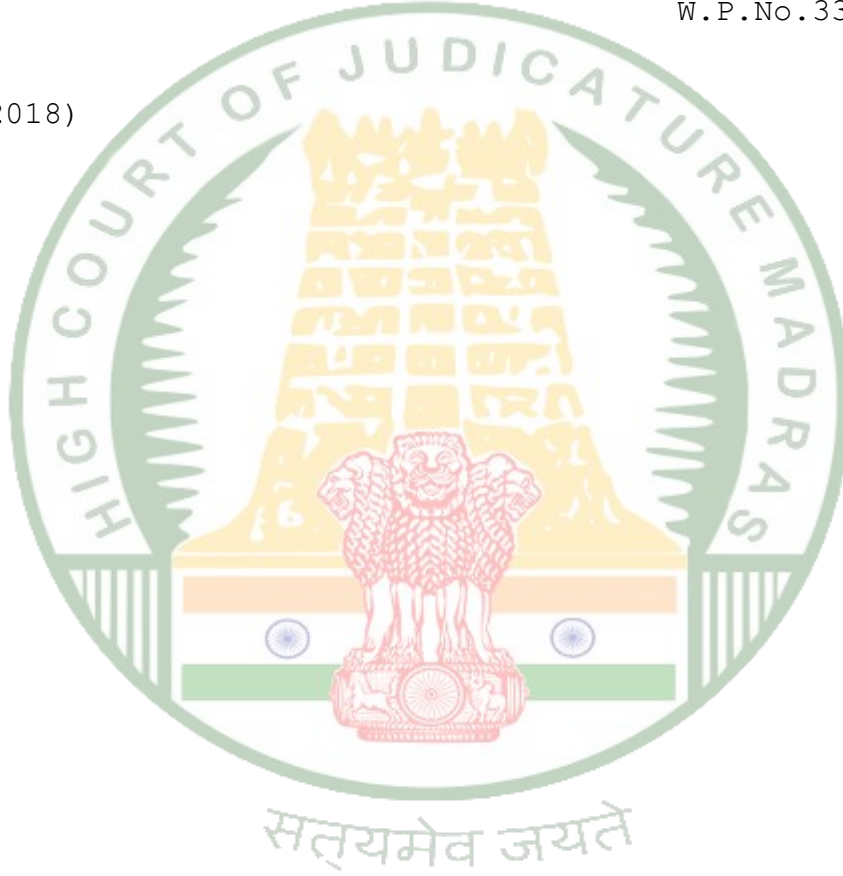
To

1. The Principal Secretary to Government
Home (Police-V) Department
Secretariat
Chennai 600 009

+1cc to Mr.S.Thankasivam, Advocate SR.No.91061
+1cc to Government Pleader SR.No.91473

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