

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24531 of 2014

S.Rajendran

.. Petitioner

-VS-

- 1.The State of Tamil Nadu,
Represented by the Chief Secretary,
Secretariat,
St. George Fort,
Chennai-600 009.
 - 2.The State of Tamil Nadu,
Represented by the Secretary,
Department of Home,
Secretariat,
St. George Fort,
Chennai-600 009.
 - 3.The Director General of Police,
Kamarajar Road,
Mylapore,
Chennai-4.
 - 4.Tmt.Bala Naga Devi, I.P.S.,
Inspector General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
(Formerly DIG of Police, Coimbatore Range),
PIE Sengalvarayan Naicker Building,
807, Mount Road,
Chennai-2.
- .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rs.10,00,000/- jointly and severally for their act of abuse of power in issuing the charge memo dated 24.9.2011.

For Petitioner - Mr.N.Manokaran

For Respondents-1 to 3 - Mr.A.Raja Perumal,
Additional Government Pleader.

For Respondent-4 - No Appearance

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to pay a sum of Rs.10 lakhs jointly and severally for their their act of abuse of power in issuing the charge memo dated 24.9.2011 and thereby causing delay in payment of retirement benefits to the writ petitioner.

2. The writ petitioner was appointed as a Grade-II Police Constable on 15.2.1972 and further, he was promoted to the post of Grade-I Police Constable on 23.8.1979. The writ petitioner was further promoted as Sub Inspector of Police on 16.2.1999 and finally to the post of Inspector of Police on 19.5.2010. The writ petitioner was allowed to retire from service on 30.9.2011, without prejudice to the disciplinary proceedings initiated against him under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. However, the charge memo issued against the writ petitioner was dropped by the proceedings of the Inspector General of Police, West Zone, Coimbatore, in proceedings dated 1.2.2013.

3. The learned counsel for the writ petitioner states that in view of the fact that the charges framed against the writ petitioner has been dropped, the writ petitioner is constrained to move this writ petition, seeking compensation.

4. This Court is of the opinion that on account of certain allegations, the Disciplinary Authority framed charges against the writ petitioner. A mere dropping of the charges on account of certain factual aspects, the writ petitioner cannot file this writ petition, seeking compensation.

5. Under these circumstances, this Court is not inclined to entertain the writ petition in view of the fact that the writ claiming compensation against the dropping of the charges, cannot be entertained. However, a public servant is accountable and he is bound by the Service Regulations and the Rules. Whenever, the Disciplinary Authority or the Appointing Authority found that certain allegations are made out, then they are at liberty to frame the charges under the Discipline and Appeal Rules. If the charges are dropped or the disciplinary

proceedings ended with an order of exoneration, this will not confer any right on the delinquent officials to file a writ, seeking compensation. The only remedy available is that he can seek for all the service benefits as per the rules, as if no charge memo or disciplinary proceedings were initiated against him.

6. In respect of grant of compensation, it involves trial and the delinquent officials, if at all raised any personal motive or mala fide intention on the part of the Disciplinary Authority, it is left open to approach the appropriate Civil Court for compensation for establishing that the charge memo was framed on malice, motive or on mala fide intention. Such an adjudication requires a full-fledged trial by adducing evidences, documents and other records. The said exercise cannot be done under Article 226 of the Constitution of India.

7. This being the factum to be considered in this writ petition, this Court is not inclined to entertain this writ petition, seeking compensation on account of dropping of the charges against the writ petitioner.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Chief Secretary,
State of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai-600 009.

WEB COPY

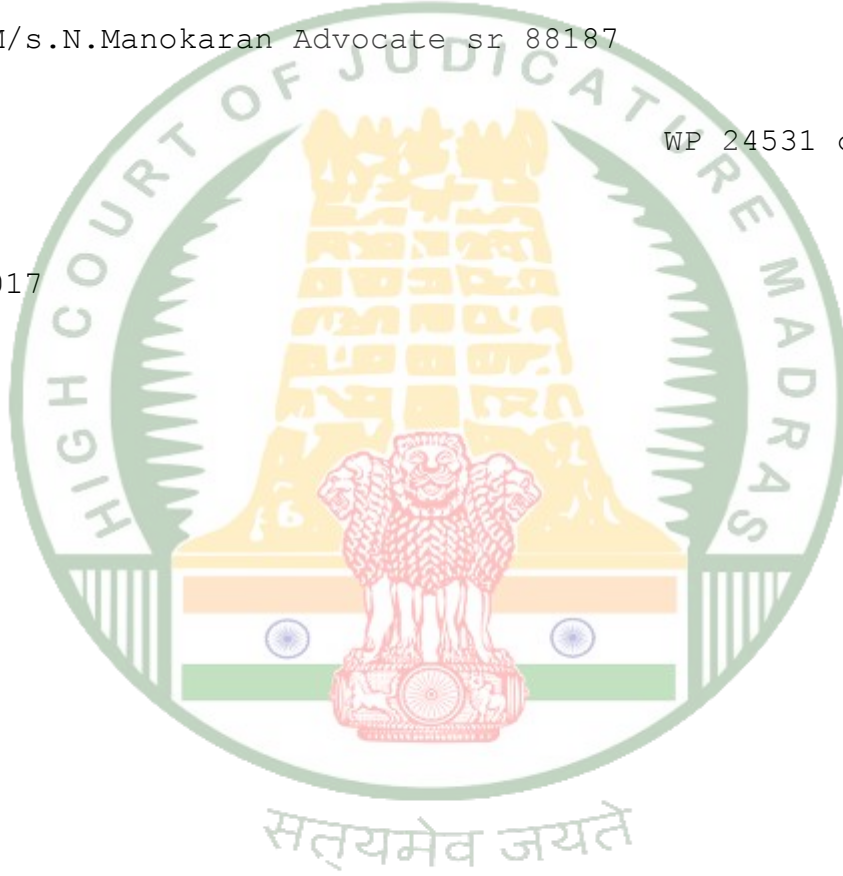
2.The Secretary,
State of Tamil Nadu,
Department of Home,
Secretariat,
St. George Fort,
Chennai-600 009.

3.The Director General of Police,
Kamarajar Road,
Mylapore,
Chennai-4.

+1 cc to M/s.N.Manokaran Advocate sr 88187

WP 24531 of 2014

aa21/12/2017



WEB COPY