

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 4542 & 36994 of 2015
and
M.P.Nos.1, 2, 2 and 3 of 2015
W.M.P.No. 29239 of 2016
& WMP.No.17616/16

V.K.Surendranath

... Petitioner in both WPs

Vs.

1. The Secretary to Government,
Home (Police II) Department,
Fort St George, Chennai - 600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
3. The Joint Commissioner of Police,
Traffic North, Vepery,
Chennai - 600 007. ... Respondents in both WPs

Prayer in WP.36994/15: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned charge memo issued by him in PR.No.96/2012 dated 21.09.2012 and quash the same and direct the respondents to consider the claim of the petitioner for promotion as Additional Deputy Commissioner of Police (AR) by including his name in the panel for the year 2013-14 and promote him as Additional Deputy Commissioner of Police and grant him all consequential service and monetary benefits within a reasonable time.

Prayer in WP.NO.4542/15:

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issue a Writ of Certiorarified Mandamus, directing the respondents to consider the claim of the petitioner for promotion as Additional Deputy Commissioner of Police (AR) without reference to the pending disciplinary proceedings initiated by the 3rd respondent in PR No.96/2012 dt 21.9.2012 within a reasonable time.

For Petitioner : Mr.R.Thiyagarajan,
(in both Wps) Senior Counsel
for M/s.M.Muthappan

For Respondents: Mr.C.Manishankar, Additional Advocate
(in both Wps) General IV Assisted by
Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The charge memo issued against the writ petitioner in P.R.No. 96/2012 dated 21.09.2012 is under challenge in this writ petition. The charge memo issued contemplates certain allegations against the writ petitioner and the charges are extracted hereunder:-

“குற்றச் சாட்டு
சேனனை பேருதகரக் காவல், முக்கடை குபாக் குவரத்து சரக காவல் உதவி
ஆணையாளராக பணிபுரிந்த திரு.வி.க, சுரேந்திரநாத் ஆகிய நீர்,சி/5 கோத்தவால் சாவல்
குபாக் குவரத்து காவல் நிலைய தலைமைக் காவலர் 8644? திரு.எம்.தனஞ்சகரன் அவர்களால்
23.01.2010 முதல் 29.01.2010 முறையும் வாரத்திற்கு, முக்கடை குபாக் குவரத்து காவல் சரக
பிரிவுக் காக? வாராந்திர கைரூட்டாக வசு+லிக் கப்பட்ட மோத்த பணம் டிபாய் 10?770/ல் உமது
கைரூட்டு பறுகாக டிபாய் 1000/ பேற்றுக் கோண்டு காவல் துறையின் நற்பேருக்கு
களற்கம் விளைவிக்கும் வகையில் நடந்து கோண்ட மிக மிக தவறான நேறிதவறிய நடத்தை.”

The statement of imputation regarding the charges are also furnished in Annexure 2 narrating the entire events, and Annexures 3 and 4 are the documents and witnesses cited. Challenging the charge memo the writ petitioner moved this Court under Article 226 of the Constitution of India.

2. The learned Senior Counsel appearing on behalf of the writ petitioner strenuously contended that the writ petitioner is denied of his promotion to the higher post on account of the pendency of the charge memo for many years. The main ground on which the charge memo itself is challenged in this writ petition is that this Court earlier passed an order in W.P.No. 34837 of 2013 in which the writ petitioner sought for a direction to the first respondent to pass orders on the disciplinary proceedings initiated by the Joint Commissioner of Police against the writ petitioner in PR No.96 of 2012 dated 21.09.2012. This Court directed the respondents to pass final orders on the disciplinary proceedings initiated against the writ petitioner within a period of six weeks from the date of receipt of a copy of this order.

3. Secondly, the writ petitioner has filed another writ petition in W.P.No.25402 of 2014 with a prayer to direct the

respondents to consider the claim of the petitioner for promotion as Additional Deputy Superintendent of Police (ADSP) without reference to the pending disciplinary proceedings initiated by the Joint Commissioner of Police against the writ petitioner in PR No.96 of 2012 dated 21.09.2012. This Court passed an order on 18th September 2014 directing the first respondent to pass final orders on the second show cause notice dated 02.06.2014 issued to the writ petitioner within a period of three weeks from the date of receipt of a copy of this order.

4. On perusal of the above two orders of this Court, this Court is of the prima facie opinion that all the orders passed based on certain facts and directions were issued to complete the disciplinary proceedings. But, no judgment has been delivered settling the legal principles in the matter of disciplinary proceedings in the above writ petitions. Orders passed considering certain factual aspects cannot be treated as if the judgments are delivered settling the legal principles on the subjects. Thus, this Court is of the firm view that the legal principles settled in a judgment is to be followed scrupulously and the orders passed by this Court considering certain peculiar facts and circumstances need not be followed in all subsequent cases. In those cases orders are passed only on the facts and circumstances prevailing at that point of time. Thus, this Court has to look into the legal principles in the matter of disciplinary proceedings against the public servants.

5. The learned Senior Counsel on behalf of the writ petitioner contended that since the earlier direction issued by this Court has not been complied with, the charge memo itself is liable to be quashed. The fact remains that the writ petitioner has participated in the departmental domestic enquiry proceedings and based on the enquiry report he has submitted his explanation also. The disciplinary proceedings are in the stage of passing final order and at this stage the writ petitioner came out with this writ petition to quash the charge memo knowing the fact that the entire process of enquiry has been completed.

6. First of all, this Court has raised a doubt that under what circumstances a charge memo is liable to be quashed. Writ against a charge memo cannot be entertained in a routine manner. Writ petition questioning the validity of the charge memo can be entertained only on exceptional circumstances and in the event of raising point of jurisdiction, incompetency or the allegations of malafides, it may not be possible for the constitutional Courts to intervene in the cases against the charge memos. Even in case of raising allegation of malafides, the authorities against whom such an allegation is raised is to be impleaded as party in the writ petition in his personal

capacity. In the absence of substantiating any of the grounds stated supra, no writ can be entertained against the charge memo.

7. Another ground on which a charge memo can be challenged is that the same is in violation of the statutory rules. Thus, this Court is of the clear opinion that the scope of challenging the charge memo is absolutely limited and cannot be entertained in normal circumstances on merits and the facts stated in the charge memorandum. All disciplinary proceedings initiated against the public servants should be allowed to be concluded in accordance with the rules. Intermediate intervention in departmental disciplinary proceedings are not preferable and the power of judicial review in this regard is to be exercised cautiously only under exceptional circumstances. The legal presumption is that any public servant against whom an allegation is mooted out has to face the same in accordance with rules and such an enquiry should be completed and it should reach its logical conclusion by providing reasonable opportunity to the delinquent officers so as to pass orders on merits and in accordance with rules.

8. In the case on hand the learned Senior Counsel appearing on behalf of the writ petitioner contended that there is an enormous delay on the part of the respondents in concluding the disciplinary proceedings and that is the reason why the writ petitioner is also unable to get his right of promotion to the higher post in view of long pendency of disciplinary proceedings, which is to be deprecated. The attitude of the respondents in this regard is to be condemned. This apart the delay in disposal of the disciplinary proceedings is also a ground for quashing the charge memo.

9. The learned Senior Counsel cited the judgment of this Court passed in the case of State of Tamil Nadu represented by its Secretary to Government, Personnel and Administrative Reforms Department, Chennai - 9 and another Versus T.Ranganathan reported in 2010 (3) MLJ 625 para no.22 (in para 8) is extracted hereunder:

"8. As we have already observed hereinabove, after June 15, 1986, the respondent lost the legal right to proceed with the departmental enquiry against the petitioner by virtue of the specific order dated March 24, 1986 passed by this Court in Writ Petition No.598 of 1986 and therefore, the question of starting new enquiry by fresh charge-sheet dated March 9, 1988 on the same set of charges and for the same misconduct, does not arise."

10. On reading of the paragraph itself, it is clear that this Hon'ble Division Bench has disapproved the action of the authorities from starting new enquiry by issuing fresh charge sheet dated 19th March 1998 on the same set of charges and the same misconduct. Thus, the facts in that case before the Hon'ble Division Bench stand on a different footing in which the second charge sheet was issued on the same set of charges for the same misconduct. This Court has no quarrel on the legal proposition that there is no question of conducting second enquiry based on the second set of charge memo. In fact issuance of second set of charge memo on the same set of facts are impermissible in law. Further, those facts are not applicable to the present writ petition in view of the facts that there is no second set of charge memo issued against the writ petitioner, on the same facts.

11. Further, the learned Senior Counsel invited this Court to look into paragraph 23 of the judgment which reads as follows:

" 23. We are conscious of the fact that if there is non-cooperation of the delinquent officer to comply with the time limit fixed by the Court/Tribunal to complete the enquiry and pass final orders in disciplinary proceedings, the Department cannot be blamed. In such contingency it is for the Department to point out the non-cooperation on the part of the delinquent officer in finalising the proceeding and the hardships faced by the Department in not strictly adhering to the time schedule due to the fault of the delinquent officer or for any valid reason and get appropriate orders seeking extension of time. At this juncture, it is relevant to point out that even if the time granted originally to complete the enquiry is over, nothing prevented the Department from filing appropriate application after expiry of the time. It is now well settled in law that application seeking extension of time can be filed and the Court are having inherent powers to grant further time, even though the original time granted got expired, based on the principles of invoking inherent powers to meet the ends of justice. In this case, there is no whisper about the non-cooperation of the petitioner in conducting the enquiry and completing the enquiry within the time. Hence the Department is bound to comply with the directions issued by the Tribunal in O.A.No.1535 of 2003.

12. The learned Senior Counsel for the writ petitioner stated that the respondents have not filed any petition seeking extension of time for implementation of the orders of this Court

passed on 02.01.2014 in W.P.No. 34837 of 2013 and on 18.09.2014 in W.P. No.25402 of 2014.

13. However, the learned Additional Advocate General appearing on behalf of the respondents has taken this Court to page No.104 of the typed set of papers, which is a miscellaneous petition in which one Mr.A.Arun, IPS, Joint Commissioner of Police, filed a sworn affidavit with a prayer to grant extension of time for a period of 6 months with effect from 03.04.2014 to pass final orders as per the orders passed in W.P.No.34837 of 2013. However, the petition was not taken up for adjudication and no order of extension was passed in the writ petition. But, the respondents have taken steps to seek extension of time for the implementation of the orders of this Court. Further, it is not disputed that the writ petitioner has also not filed any contempt application seeking implementation of the orders of this Court. The normal course adopted by the writ petitioner for implementation of the order of this High Court is only by filing contempt application. Thus, this Court is of the opinion that the writ petitioner has moved earlier writ petitions in a calculated manner to set a ground to file the present writ petition for quashing the charge memo.

14. This Court has to consider the conduct of the writ petitioner in filing various writ petitions and finally, with a prayer to quash the charge memo itself. The first writ petition in W.P.No. 34837 of 2013 was filed with a prayer to direct the respondents to pass orders in the disciplinary proceedings. The second writ petition in W.P.No.25402 of 2014 was filed to direct the respondents for promotion during the pendency of the disciplinary proceedings. Now, the third writ petition is filed to quash the charge memo. Yet another writ petition in W.P.No. 4542 of 2015 was also filed with a prayer to direct the respondents to consider the claim of the writ petitioner for promotion as Additional Deputy Superintendent of Police (ADSP) without reference to the pending disciplinary proceedings initiated by the Joint Commissioner of Police against the writ petitioner in PR No.96 of 2012 dated 21.09.2012. Out of four writ petitions filed by the very same writ petitioner, two writ petitions were filed for promotion, one writ petition was filed to complete the disciplinary proceedings and the present writ petition is filed to quash the charge memo.

15. All the causes advanced by the writ petitioner in these four writ petitions are to be taken note of, while considering the present writ petition for quashing of the charge memo itself. The direction initially was granted by this Court on 2.1.2014 to complete the disciplinary proceedings and even in second and third writ petitions also similar direction was

issued by this Court. But the writ petitioner has not moved any contempt application in any one of these three orders passed in three writ petitions. Since, the writ petitioner is very much aware that in the event of implementing those orders it will have some adverse consequences either on the promotion or in the disciplinary proceedings.

16. Therefore, this Court is of the opinion that all the three writ petitions earlier filed, were moved in a calculative manner to achieve the goal of quashing of the entire disciplinary proceedings. The Court cannot encourage such an attitude of the public servant and instead of participating in the enquiry and proving his innocence, they are finding out the ways and means to get rid of the entire charge memo, which is absolutely impermissible. The Court cannot encourage such an attitude of a public servant, who has to serve for the public in the interest of our great nation. Every rupee paid to the public servant by way of salary is tax-payers' money. All the public servants receiving salary are undoubtedly accountable to the public. If an allegation is made against the public servants, they are bound to answer and prove their innocence only in the enquiry and not to get rid of the same by filing these kind of writ petitions more in numbers in a calculated manner. A public servant is duty bound to serve the public in view of the fact that he enjoys a status in the society. By virtue of his status, he is accountable and duty bound to the citizen of this great nation.

17. This being the constitutional perspective about the public servants and the status being enjoyed by the public servant in the society, if a slightest doubt and allegation is raised against the public servants, they are duty bound to clear the same, by participating in the enquiry and the investigations conducted in this regard so as to prove their innocence. Contrarily, by moving the writ petitions getting a general direction from this Court and not filing a contempt application thereafter and then filling a writ petition to quash the entire charge memo in order to escape from the clutches of the disciplinary proceedings, this Court is able to visualize the manner in which these four writ petitions are filed and finally, to escape from the clutches of the charges. The attitude of the writ petitioner should certainly be deprecated. The Hon'ble Division Bench considering the facts and the circumstances of that case directed that non-implementation of the order of this Court issued to complete the disciplinary proceedings is also a ground to quash the charge memo. However

those facts are not similar to that of the case on hand. Thus, the order of the Division Bench is of no avail to the writ petitioner.

18. In this regard this Court is of the opinion that the facts and the circumstances of the case on hand also to be weighed properly in respect of the facts and circumstances of the case before the Hon'ble Division Bench. The facts on hand is that it is an allegation of bribery and such allegation can never be viewed ordinarily.

19. Corruption is a growing menace, spreading like a cancer in our great nation. No doubt corruption is a greater issue at present and affecting the larger development of this nation. Corruption is an issue to be dealt with iron heart by the Courts as well as by the officials of this country and no leniency can never and ever been shown by the Courts as well as by the competent authorities. Thus, this Court is of the firm opinion that all corruption cases has to be dealt with, in accordance with law without providing any scope or leniency to the delinquent officials concerned. This Court wants to go one step further on record to show that any competent authority giving any leniency in corruption cases are also liable to be prosecuted under the Disciplinary and Appeal rules. The Government in this regard should see that the officials lacking in exercise of their powers in such corruption cases are also to be dealt with properly. Because those officers who are not in clean hands also may collude with such officials. In the event of such cases the Government should be vigilant over the circumstances and initiate appropriate action against all the persons who are involved in such chain of action.

20. In the case on hand one of the points raised in the grounds is, there is an enormous delay on the part of the respondents. This Court has raised a serious doubt about the delay caused on account of the respondents. The learned Additional Advocate General appearing on behalf of the respondents filed the dates and events in this regard signed by the Joint Commissioner to Government on 07.08.2017 and for the benefit of understanding the chain of actions conducted by the department and the same is extracted hereunder:-

Dates and Events

02.01.2014	Order passed in W.P.No.34837/2013 directing the respondent to pass final orders on the disciplinary proceedings initiated against the petitioner with in a period of six weeks.
20.02.2014	The Director General of Police was requested to sent Punishment Roll files in respect of Thiru.V.K.Surendranath, Assistant Commissioner of Police and 10 others.
05.03.2014	Punishment Roll files in respect of Thiru.V.K.Surendranath, Assistant Commissioner of Police and 10 others, who were involved in the case arising out of DV&AC Enquiry, were received by the Government.
07.03.2014	The Director General of Police was requested to send service particulars and defaulter sheets in respect of all the 11 delinquent officers.
21.03.2014	Punishment Roll (PR) files in respect of Thiru.V.K.Surendranath, Assistant Commissioner of Police and 10 others were returned to the Director General of Police with a request to sent it along with relevant particulars.
06.05.2014	PR files in respect of Thiru.V.K.Surendranath, Assistant Commissioner of Police and 10 others was received by the Government.
13.05.2014	Draft Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 02.01.2014 in W.P.No.34837/2013, was received from the Director General of Police.
26.05.2014	Draft Miscellaneous petition seeking extension of time for six months to implement the High Court Order Dated 02.01.2014 in W.P.No.34837/2013 was sent to Law Department for scrutiny.
02.06.2014	Draft Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 02.01.2014 in W.P.No.34837/2013 was received from the Law Department after scrutiny.

05.06.2014	Further representation of the Delinquent Officers was called for on the findings of the Inquiry Officer.
16.06.2014	Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 02.01.2014 in W.P.No.34837/2013 was sent to the Director General of Police for filing the same before the High Court of Madras. The Director General of Police filed M.P.No.1 of 2014 on 16.07.2014 (For extension of time with effect from 03.04.2014) No orders were passed by the Hon'ble Court in the miscellaneous petition.
20.06.2014	In Government memo No.47793A/75-3, Public (Ser.N) dated 27.01.1976 it has been stated as follows:- In all cases where disciplinary proceedings are started on a report from the Directorate of Vigilance and Anti-Corruption, the disciplinary authority should send a copy of the enquiry officer's report to the Directorate of Vigilance and Anti-Corruption immediately after the enquiry is over, instead of sending them along with the final orders passed. The disciplinary authority should, however, mark a copy of the final orders passed on them to the Directorate of Vigilance and Anti-Corruption. Based on the above, the remarks of DV&AC on the findings of the Inquiry Officer were called for.
26.06.2014	Meanwhile, the Director General of Police was requested to place Thiru.S.Krishnaswamy, Sub-Inspector of Police (Co-delinquent) under suspension and not to allow him to retire from service on reaching his superannuation on 30.06.2014.
18.07.2014	Remarks of DV&AC on the findings of the Inquiry Officer was received in Government.

23.07.2014	The Director General of Police was requested to send clarification in respect of Thiru.M.Balaji, Sub-Inspector of Police (Co-delinquent)
18.09.2014	Thiru.V.K.Surendranath, Assistant Commissioner of Police has filed another W.P.No.25402/2014 to direct the respondents to consider his claim for promotion as ADSP without reference to the pending disciplinary proceedings. The Hon'ble High Court in its order dated 18.09.2014, directed the respondent to pass final orders on the disciplinary proceedings initiated against the petitioner within a period of three weeks, even though the Special Government Pleader sought time for filing of the counter affidavit. The prayer sought for in the writ petition is identical to the relief claimed in W.P.No.4542/2015.
31.10.2014	Order dated 18.09.2014 passed in W.P.No.25402/2014 received by Government.
06.11.2014	Further representations of Thiru.V.K.Surendranath, Assistant Commissioner of Police and 10 others on the findings of the Inquiry Officer had been received by the Government.
07.11.2014	During the pendency of the previous writ petition W.P.No.34837/2013, Petitioner filed another writ petition in W.P.No.25402/2014. Hence the Director General of Police was requested to file a Misc.Petition seeking extension of time for six months to implement the High Court's Order dated 18.09.2014 in W.P.No.25402/2014 in the subsequent writ petition.
23.12.2014	The Director General of Police sent Draft Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 18.09.2014 in W.P.No.25402/2014.

31.12.2014	Draft Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 18.09.2014 in W.P.No.25402/2014 was sent to Law Department for scrutiny.
09.01.2015	Draft Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 18.09.2014 in W.P.No.25402/2014 has been received from Law Department after scrutiny.
13.01.2015	Miscellaneous petition seeking extension of time for six months to implement the High Court Order dated 18.09.2014 in W.P.No.25402/2014 has been sent to the Director General of Police for filing the same before the High Court of Madras. The Director General of Police filed M.P.No.1 of 2015 on 20.02.2015 (For extension of time from 21.11.2014 to 21.05.2015) (The petitions for extension of time in W.P.Nos.34837/13 & 25402/14 were filed within five months of each other and both were pending)
03.02.2015	The Director General of Police was addressed for his remarks on the discrepancies found in Inquiry Officer's report vis-a-vis the statement recorded u/s 161(3) Cr.P.C.
28.04.2015	Clarification on certain discrepancies found in Inquiry Officer's report was received from the Director General of Police.
18.05.2015	The DV&AC had been addressed for its remarks on the discrepancies found in Inquiry Officer's report vis-a-vis the statement recorded u/s 161(3) Cr.P.C.
24.06.2015	The remarks of the DV&AC were received in Government.

25.06.2015 To 19.11.2015	There are 11 delinquents involved in this disciplinary case. The following records were examined in detail with sectional notes and the file was submitted to the Principal Secretary (Disciplinary Authority) for orders. - Charges framed against the delinquent officers - Defence statement of the delinquent officers - Findings of the Inquiry Officer - Representation of the delinquent officers on the findings of the Inquiry Officer - Remarks of the DV&AC and other connected records The Disciplinary Authority had requested to furnish further details after discussion. In the meantime, the Director General of Police filed another M.P.No.2 of 2015 on 21.08.2015 in W.P.No.25402/14, seeking extension of time for six months to implement the High Court Order dated 18.09.2014 in W.P.No.25402/2014 (Extension of time from 22.05.2015 to 21.11.2015).
Order dated 20.11.2015 Order copy received by Government on 11.12.2015	Order passed in W.P.No.36994/2015, which was filed by the petitioner praying for a Writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent (Joint Commissioner of Police, Vepery) in connection with the impugned charge memo issued by him in PR.No.96/2012 dated 21.09.2012 and quash the same. The petitioner also prays for a direction to the Respondents to consider the claim of the petitioner for promotion as Additional Deputy Commissioner of Police (AR) by including his name in the panel for the year 2013-14 and promote his as Additional Deputy Commissioner of Police with all consequential service and monetary benefits. This Hon'ble Court granted an interim stay of all further proceedings in respect of disciplinary proceedings initiated against the petitioner.

The orders in respect of the enquiry conducted have been made ready but in view of the stay granted, the same could not be issued.
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21. The learned Additional Advocate General appearing on behalf of the respondents on submission of these dates and events contended that the interim order in the present writ petition was granted on 20th November 2015 thereafter the respondents were unable to proceed with the disciplinary proceedings. This apart the enquiry proceedings were completed in all respects and the second show cause notice was also issued and the writ petitioner had submitted his explanation / objections on the enquiry report. Thus the respondents have to pass final order in the disciplinary proceedings based on the materials available on record. The disciplinary proceedings stand at this point and therefore quashing of the charge memo at this stage does not arise at all.

22. Further learned Additional Advocate General appearing on behalf of the respondents contended that the allegation relating to the corruption is set out against the writ petitioner and the enquiry also concluded and it is not advisable to quash the charge memo at this point of time only on the ground of non-implementation of a direction to complete the disciplinary proceedings.

23. A fine distinction is to be drawn between the facts in the case on hand. No doubt the Hon'ble Division Bench quashed charge memo on the ground that the direction issued by this Court to complete the disciplinary proceedings was not implemented. But this Court wants to observe that the facts and the circumstances in the present case are entirely different and by showing any such kind of leniency will hamper the public administration in this regard.

24. The image in this regard will also have an impact on the public, since the allegations are relating to corruption. All such technical grounds raised by the learned Senior Counsel appearing on behalf of the writ petitioner may be considered in a case where the charges are not so serious but certainly not in corruption cases. The Hon'ble Supreme Court of India time and again emphasized in the corruption cases that on the ground of delay charge memo should not be quashed and the Hon'ble supreme Court reiterated or emphasized corruption charges should be dealt with iron hand and charges cannot be quashed on the ground of delay and on technical grounds. Thus, this Court is bound to

follow the legal principles enunciated by the Hon'ble Supreme Court of India more specifically in respect of the allegations relating to corrupt activity of the public servant.

25. Apart from this fact this Court has to consider the stage on which the present writ petition is filed. The writ petition was filed on 17th November 2015 and the departmental domestic enquiry against the writ petitioner was concluded on 5th June 2014. Thus, the prayer relating to quashing of the charge memo is filed by way of this writ petition is only after the completion of the departmental domestic enquiry proceedings. Therefore, this Court need not show any leniency in this regard. When the writ petitioner is aware that the enquiry proceedings are completed and final order alone is to be passed, he would have brought it to the notice by way of contempt petition that the earlier order directing the authorities to complete the disciplinary proceedings was not implemented. This apart, learned Additional Advocate General appearing on behalf of the respondent made a submission that this is not the case against the writ petitioner alone and 13 other officials are also involved and the respondents required some more time to complete the process. In respect of other delinquent officials, final order had been passed already and in respect of the writ petitioner the final order is unable to be passed in view of the interim order passed in this writ petition on 20th November 2015. These factors are also to be taken note of. Thus, this Court is of the opinion that the writ petitioner has also contributed for the delay to some extent and the respondents, though caused delay, considering the factors that 13 other officials are also involved, certainly the time requirement is more for the authorities to consider all those cases.

26. The writ petitioner has repeatedly approached this Court only with an intention to escape from the clutches of the disciplinary proceedings without undergoing the process of domestic enquiry under the rules. Court has to ascertain the manner in which four separate writ petitions are moved by the same writ petitioner at different point of time and the final writ petition (W.P.No.36994 of 2015) filed challenging the charge memo knowing the fact that the domestic enquiry was already completed and a report by the Enquiry Officer also had been submitted to the disciplinary authorities. This Court is of the firm view that the allegations against the writ petitioner in the case on hand is relating to corruption and therefore the disciplinary proceedings initiated with regard to the corrupt activities and should be allowed to reach its logical conclusion. All corruption cases are to be dealt strictly in accordance with law and quashing of the charge memo in these

cases does not arise at all. The Hon'ble Supreme Court of India also time and again reiterated and emphasized that no leniency can be shown against the corruption allegations and it should be dealt strictly in accordance with law without providing any scope for escape root for the delinquents.

27. In this view of the matter, this Court is of the opinion that the quashing of the charge memo is certainly not preferable at this stage when the departmental disciplinary proceedings are concluded and the learned Additional Advocate General informed this Court that soon after the disposal of this writ petition final order will be passed without any further delay.

28. Recording the submissions, this Court fervently hope that the competent authorities will pursue the matter vigorously to take the decision at the earliest possible and communicate the same to the writ petitioner in this regard. In respect of the relief of promotion the same may be considered in accordance with rules.

29. No further adjudication is to be undertaken in respect of the grounds raised by the writ petitioner on merits regarding the charge memo. Accordingly, the writ petitions stand dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

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

2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3. The Joint Commissioner of Police,
Traffic North, Vepery,
Chennai - 600 007.

+2ccs to Mr.M.Muthappan,Advocate sr.358,57357

+1cc to Government Pleader sr.57488

W.P.Nos. 4542 & 36994 of 2015

ss(4/9/2017)



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