

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 23.08.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.21631 of 2004**

D.Balasubramanian ... Petitioner

Vs.

The Superintendent of Police,
Chengalpattu East District,
St.Thomas Mount,
Chennai - 16.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records on the file of the respondent in connection with the order passed by him in his Proceedings PR 2(1)/79/04 BO 856/04 dated 6.7.04 and quash the same.

For Petitioner : Mr.S.Selvathirumurugan

For Respondent : Mr.M.Elumalai

Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records on the file of the respondent in connection with the order passed by him in his Proceedings PR 2(1)/79/04 BO 856/04 dated 06.07.2004 and to quash the same.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent.

3. The brief facts of the case are as follows: The petitioner while he was working as Grade I Police Constable was issued with a show cause notice under Rule 3 (1) of the Tamil Nadu Police Subordinate Service (D & A) Rules, 1955 on 01.03.2004 alleging two charges. First is that the petitioner possessed Yamaha Motor Cycle without valid records and second is that reprehensible conduct for not producing the records of the above said Motor Cycle before the enquiry officer with the right owner.

4. Petition enquiry was conducted and during enquiry, the original owner of the said two wheeler was found and he has given his statement vide Ex.P2 with copies of R.C. Book, Insurance and Driving Licence vide Ex.Ps.2 to 5, whereas, the delinquent/ petitioner submitted only the xerox copy of the R.C. Book of the said motor cycle. From the difference noticed between the two exhibits it was proved that the delinquent has manipulated the R.C. Book and produced the same before the enquiry officer. Hence, petition enquiry was drawn as against the petitioner.

5. After drawal of the petition enquiry and fixing reprehensible conduct against the petitioner, the respondent/ Superintendent of Police issued a charge memo dated 31.03.2004 to the petitioner. However, the petitioner has not filed any explanation and exparte findings were drawn against the petitioner and the guilt against the petitioner was also proved. Considering the veracity of the case, the disciplinary authority imposed the punishment under Rule 3 (a) of the Tamil Nadu Police Subordinate Service (D & A) Rules, 1955 and imposed the punishment of postponement of increment for two years without cumulative effect.

6. Hence, for the proven charges, without any proper explanation or proper documents, this Court is not inclined to interfere with the order passed by the respondent.

7. The writ petition is accordingly dismissed. No Costs.

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23.08.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

M.DHANDAPANI,J.
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To

- 1.The Superintendent of Police,
Chengalpattu East District,
St.Thomas Mount,
Chennai – 16.



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