

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.19684 of 2012

G.Rajendran

.... Petitioner

Versus

- 1.The Deputy Inspector General of Police,  
Thanjavur Range,  
Thanjavur.
- 2.The Additional Director General of Police(L&C),  
Chennai-4.
- 3.The Director General of Police,  
Tamilnadu,  
Chennai-4.
- 4.The Secretary to Government of Tamilnadu,  
Home(Police IVA) Department,  
Fort St. George,  
Chennai-9.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Certiorari to call for the records of the respondents in connection with the impugned order passed by the first respondent in C.No.B1/RO/PR/2007.RO/03/2008 dated 17.03.2008 and by the second respondent in RC. No.092293/API(1)/2008 dated 03.06.2008 and by the third respondent in RC No.004856/API(1)/09 dated 06.02.2009 and by the fourth respondent in G.O. 2D.No.58 Home(Police IVA) Department dated 09.03.2010 and G.O.2D No.355 Home(Police IVA) Department dated 03.10.2011 and quash the same.

For Petitioner : Mr.M.Muthappan

For RR1 to 4 : Mr.R.A.S. Senthilvel, A.G.P.

## ORDER

Writ petition has been filed seeking for issuance of a Certiorari to call for the records of the respondents in connection with the impugned order passed by the first respondent in C.No.B1/RO/PR/2007.RO/03/2008 dated 17.03.2008 and by the second respondent in RC. No.092293/API(1)/2008 dated 03.06.2008 and by the third respondent in RC No.004856/API(1)/09 dated 06.02.2009 and by the fourth respondent in G.O. 2D.No.58 Home(Police IVA) Department dated 09.03.2010 and G.O.2D No.355 Home(Police IVA) Department dated 03.10.2011 and quash the same.

2.The petitioner was directly recruited as Sub-Inspector of Police, Category-I on 02.06.1997. He was promoted to the post of Inspector of Police on 28.05.2010. While working as Sub-Inspector of Police, the petitioner was issued with a charge memo by the first respondent on 15.12.2006 under Rule 3 (b) of TNPSS(D& A) Rules, for certain acts and misconduct in discharge of his duties. The petitioner has submitted a detailed explanation denying the charges. Thereafter, not satisfied with the explanation, an enquiry was conducted, in which, the petitioner was given due opportunity to participate in the enquiry. On conclusion of enquiry, a report was submitted by the enquiry officer. Since, the charge is proved, a copy of the enquiry report dated 21.01.2008 was furnished to the petitioner. An explanation was also offered by the petitioner on the enquiry officer's report. Thereafter, the disciplinary authority after taking into consideration the representation of the petitioner and also the findings of the enquiry report, imposed a punishment of postponement of increment for a period of one year without cumulative effect vide order dated 17.03.2008. Against the above imposition of penalty, the petitioner preferred an appeal to the second respondent and the appellate authority on considering the appeal, modified the penalty of postponement of increment for a period of one year without cumulative effect into one of postponement of increment for six months without cumulative effect by order dated 03.06.2008. Thereafter, the petitioner, preferred a mercy petition to the third respondent dated 11.11.2008 but the same was rejected on 06.02.2009. Further, the petitioner preferred a petition to the Government i.e., the fourth respondent herein on 25.02.2009 and the same also came to be rejected on 09.02.2010. The impugned penalty of the appellate authority and the original authority and the subsequent rejection orders are put to challenge in the present writ petition.

3.Upon notice, Mr.R.A.S.Senthilvel, learned Additional Government Pleader filed a detailed counter affidavit. The learned Additional Government Pleader would submit that a detailed enquiry has been conducted, in which the petitioner has

been given full opportunity to defend his case. After a very detailed enquiry, the enquiry officer has rightly held that the charges are proved and on the basis of which, the disciplinary authority imposed a penalty. In fact, both the disciplinary authority and the appellate authority have taken a lenient view in the matter.

4. Though, the charges were very serious in nature, Mr. M. Muthappan, the learned counsel appearing for the petitioner would submit that there were infirmities in the conduct of enquiry and the case of the petitioner was not properly appreciated including the appeal before the appellate authority and before the Government.

5. After considering the rival submissions of the learned counsel and on perusal of the relevant materials and the other pleadings placed before this Court, this Court is of the view that the petitioner has been afforded all opportunities in terms of the service rules during the conduct of enquiry. The petitioner knowing fully participated in the enquiry and the manner in which enquiry conducted against him cannot assailed before this Court. This Court does not find any valid ground raised in the writ petition warranting interference. In any event, it has to be seen that though the charges were fully proved against the petitioner, the penalty imposed is extremely minor in nature. Therefore, the same does not call for interference by this Court.

6. In the light of the above discussions, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Inspector General of Police,  
Thanjavur Range,  
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- 2.The Additional Director General of Police(L&C),  
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- 3.The Director General of Police,  
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- 4.The Secretary to Government of Tamilnadu,  
Home(Police IVA) Department,  
Fort St. George,  
Chennai-9.

+1 cc to Mr.M.Muthappan Advocate sr 61863  
+1 cc to Government Pleader sr 62405

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