



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.1474 of 2015

- 1.The Government of Tamil Nadu,
Rep.by it's Secretary to Government,
Home Department, Chennai.
- 2.The Director General of Police,
Chennai - 4.
- 3.The Additional Director General of Police,
(Law and Order),
Chennai.
- 4.The Commissioner of Police,
Madurai City. .. Appellants/Respondents
Vs.
S.Manoharan,
Inspector of Police,
Armed Reserve,
Madurai. .. Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order dated 04.02.2014 made in W.P.(MD).No.3636 of 2010, on the file of this Court.

Prayer in WP(MD) . 3636/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records of the Respondents, especially the punishment order issued by the fourth Respondent pursuant to his proceedings viz., final order made in PR No.199/2004 under rule 3(b) dated 04-11-2004 as confirmed by the third Respondent made in RC.No.12109/AP 2(3)/2005, dated 11-02-2005 as further confirmed by the second Respondent pursuant to his proceedings made in Rc.No.106310/AP II(3)/2005, dated 16-07-2005 and by the first Respondent in G.O.(2D)No.697 Home (Police-IV) Department dated 03-12-2008 and QUASH the same as null and void, illegal and invalid, and consequently directing the third Respondent to restore the Petitioner scale with all increments besides dissolving the amount reduced from the Petitioner's regular scale.



For Appellants
For respondent

: Mr.T.S.Mohamed Mohideen
: Mr.G.Prabhu Rajadurai

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This Writ Appeal is directed against the order dated 04.02.2014 made in W.P.(MD).No.3636 of 2010, filed by the respondent herein.

2. The respondent herein was working as Inspector of Police in the year 2004. He was issued with a charge memo dated 04.11.2004, for having taken his father-in-law in the escort vehicle. The escort vehicle was taking a remand prisoner for a very serious offence from Central Prison, Madurai to Judicial Magistrate No.3, Salem. The difficulties of the writ petitioner were that his mother-in-law was suffering from heart attack and admitted in hospital at Namakkal and therefore, the writ petitioner had to urgently take his father-in-law to Namakkal. Actually, the writ petitioner had applied for grant of casual leave, but, the said request was not granted and therefore, the writ petitioner while complying with the order of the superior officers also took his father-in-law along with him in the escort vehicle with an intention to drop him. On the way, when the vehicle was stopped by the Superintendent of Police, Namakkal, the said fact came to light. Therefore, the writ petitioner was issued with the said charge memo and finally imposed with the punishment of reduction in the time scale of pay by two stages for a period of two years with cumulative effect. This punishment order was challenged in W.P.(MD).3636 of 2010, after it was confirmed in appeal as well as in Revision. The learned single Judge, by order dated 04.02.2014, modified the punishment into one of stoppage of increment for two years without cumulative effect with all monetary benefits. This order has been challenged in this Writ Appeal.

3. This Court is of view that the learned single Judge had only applied the principle of proportionality and modified the punishment. We find no reason to interfere with the said order.

4. The Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar



To:

1.The Secretary to Government,
Home Department, Chennai.

2.The Director General of Police,
Chennai - 4.

3.The Additional Director General of Police,
(Law and Order),
Chennai.

4.The Commissioner of Police,
Madurai City.

+1cc to Mr.G.PRABHU RAJADURAI Advocate in SR. No. 74395

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 74687

KM

JS/MR.KKR/SAR.4/19.09.2017/3P-7C

**JUDGMENT MADE IN
W.A(MD)No.1474 of 2015
23.08.2017**