



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM :

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**THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

WA (MD) No.242 of 2015

and

M.P.(MD) No.1 of 2015

S.V.Kumar

...Appellant/Petitioner

Versus

1.The Secretary to the Government,
Government of Tamil Nadu,
Home (Police VI) Department,
Fort St. George,
Chennai - 600 006.

2.The Director General of Police,
Chennai - 600 009.

3.The Deputy Inspector General of Police,
Tiruchirapalli Range,
Tiruchy.

4.The Superintendent of Police,
Perambalur District,
Perambalur.

5.Thangavel,
Inspector of Police,
CBCID,
Cantonment Police Station,
K.K.Nagar, Trichy.

6.The Deputy Commissioner of Police (L&O) /
Enquiry Officer,
Trichy City,
Trichy.

...Respondent /Respondent

Writ Appeal filed under Clause 15 of Letters Patent, to set
aside the order dated 20.10.2014 made in W.P.(MD)No.17123 of 2014.

Prayer in WP(MD). 17123/ 2014 :

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 pertaining to the Impugned Order passed by the 1st respondent in his Proceedings G.O. (2D) No. 562 Home (Police VI) Dept. dated 25.09.2013, proceedings of the 2nd respondent in her proceedings No. RC 34046/AP 41 (1)/2010 dated 29.01.2011 in the Review Petition preferred by the petitioner, proceedings of the 3rd respondent vide proceeding in No. B1/APP3/2010 dated 25.01.2010 dismissing the Appeal preferred by the petitioner against the order passed by the 4th respondent and finally the order passed by the 4th respondent in her proceedings No. F.1/9947/2008 dated 02.11.2009, quash the said proceedings and consequently directing the respondents herein to reinstate the petitioner forthwith and pay all the attendant benefits and salary treating the period as on duty.

For Appellant : Mr.Veera.Kathiravan,
senior counsel for
Mr.C.Jegannathan

For Respondents : Mr.V.Muruganantham, AGP

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.Veera.Kathiravan, learned senior counsel appearing for the learned counsel for the petitioner and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondent.

2.This writ appeal is directed against the order passed in W.P. (MD) No.17123 of 2014 dated 20.10.2014.

3.The said writ petition was filed, challenging the order of punishment of dismissal from service passed against the appellant. Before the writ Court, the petitioner contended that for no fault of the petitioner, an order was passed and he was put to severe mental agony and financial hardship. Further, it was contended that the enquiry officer has submitted his report without properly conducting the enquiry, relying upon five documents and examining only five witnesses, who are supporters of the respondents. That apart, the most important person by name Ramesh had not been examined by the enquiry officer and there is no free and fair enquiry. The writ Court, after considering the said submission, held that the charges framed against the petitioner was very serious as when he was working as Head Constable in the Special



Team attached to Contonment Police Station, he was asked to enquiry one Mr.Ramesh, S./o.Thanaraj, who is an N.R.I came to Trichy to see his mother-in-law who had underwent heart operation. The allegation was that the appellant on 20.08.2007, in the early morning, along with others went to Sargunanathan's house and interrogated Ramesh, who was sleeping in upstairs of the house and threatened him posing as CBCID Police and seized his passport, took him to Mannarpuram four road near beat No.10 and threatened by alleging that he was using ATM Card fraudulently and drawing money and demanded Rs.10 lakhs for not registering F.I.R. When the said Ramesh refused to comply with the demand, they demanded Rs.5 lakhs and after making some bargain, Ramesh was made to part with Rs.1,50,000/- to get back his passport.

4.Thus, considering the seriousness of the allegation and the enquiry report submitted by the enquiry officer, the writ Court refused to entertain the writ petition. In this appeal also, the same grounds have been raised and we find from the records that the appellant, being a personnel in a disciplined force, an Uniformed Service, has acted in the manner stated above and therefore, we find no good grounds to entertain the appeal.

5.Accordingly, this appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to the Government,
Government of Tamil Nadu,
Home (Police VI) Department,
Fort St. George,
Chennai - 600 006.
- 2.The Director General of Police,
Chennai - 600 009.
- 3.The Deputy Inspector General of Police,
Tiruchirapalli Range,
Tiruchy.
- 4.The Superintendent of Police,
Perambalur.



5.The Inspector of Police,
CBCID,
Cantonment Police Station,
K.K.Nagar, Trichy.

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6.The Deputy Commissioner of Police (L&O)/
Enquiry Officer,
Trichy City,
Trichy.

+1cc to Mr.Veera Associates, Advocate in SR.No:50134
+1cc to Special Government Pleader in SR.No:50320

ARUL/GK
AE/MR/17.04.2017/4P/9C

Judgment in
WA (MD) No.242 of 2015
and
M.P. (MD) No.1 of 2015
Dated:04.04.2017