



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.A.[MD].No.285 of 2017
and
C.M.P.(MD).No.3051 of 2017

1. The Director General of Police,
Kamarajar Salai, Chennai 4.
2. The Superintendent of Police,
Sivagangai. : Appellants

Vs.

S.Murugan : Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 11.12.2007 made in W.P.(MD).No.11691 of 2005, on the file of this Court.

Prayer in WP(MD). 11691/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court for a WRIT OF CERTIORARI Calling for the records relating to the impugned order of the 1st respondent dated 31.3.2003 in RC.NO. 166454/CON6(2)/95 awarding the punishment of reduction in time scale of pay by two stages for one year without cumulative effect, quash the same and pass such further or other orders as this Hon ble court may deem fit

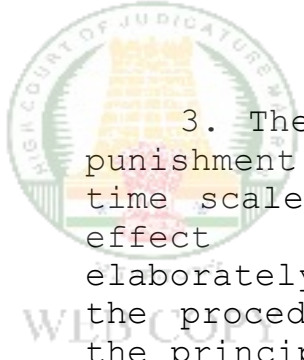
For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader
For Respondent : Mr.S.Arunachalam

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.S.Arunachalam, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

<https://hcservices.courts.gov.in/hcservices/>
2. This Writ Appeal is directed as against the order dated 11.12.2007 made in W.P.(MD).No.11691 of 2005.



3. The said Writ Petition was filed challenging the order of punishment dated 31.03.2003, by which, there was a reduction in time scale of pay by two stages for one year without cumulative effect imposed on the respondent. The Writ Court, after elaborately considering the facts and legal position, held that the procedure adopted by the disciplinary authority was against the principles of natural justice.

4. In the grounds of Writ Appeal before this Court, the appellants are not able to assail the correctness of the impugned order in the Writ Petition nor justify the manner in which the disciplinary proceedings have been concluded. Furthermore, the respondent had been allowed to retire from service as early as on 31.08.2008 and therefore, at this distance of time, we are not inclined to interfere with the findings rendered by the learned single Judge. In our considered view, the findings rendered by the learned Single Judge are just and proper, which does not warrant any interference at the hands of this Court.

5. In the result, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Kamarajar Salai, Chennai 4.
2. The Superintendent of Police,
Sivagangai.

**JUDGMENT MADE IN
W.A. [MD] .No.285 of 2017
28.03.2017**

NB

MKV-JC-SAR 3/17.4.2017/2P-3C