



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P(MD) .No.1977 of 2013

in

M.P. (MD) .No.2 of 2013

V.Ramachandran

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home(Police VI) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2.The Director General of Police,
Chennai.

3.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

4.The Superintendent of Police,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to impugned order of punishment issued by the 4th respondent in D.O.298/2001/C.No.F1/PR/19/2001 dated 29.03.2001 confirmed by the 3rd respondent vide impugned proceedings Rc.No.A2/202/2001, dated 31.01.2002, which was confirmed by the 2nd respondent vide impugned proceedings in Endorsement Rc.No.179414/PR/II(3)/2002 dated 21.09.2004 and finally confirmed by the first respondent in G.O(2D)N.279 Home (Police VI) Department, dated 10.09.2012 and quash the same and consequently direct the respondents herein to disburse all the increments due and payable to the petitioner from 2000 and all other monetary benefits accrued to his service till the date of his retirement on 30.09.2010 within a reasonable time and pass such further or other orders as this Court.



For petitioner

: Mr.H.Thayumanaswamy

For Respondents

: Mr.S.Kumar

Additional Government pleader

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ORDER

The petitioner who is in the uniformed services as a Head Constable, challenges the order of the rejection of his mercy petition by the proceedings in Rc.No.179414/PR/II(3)/2002 by the Government dated 21.09.2004. The petitioner was charged with two delinquencies namely, un-authorised absence from duty for a period of three days and involvement in a criminal case during the said period. The enquiry officer had concluded that the first charge is proved and the second charge is proved in part.

2. On the basis of the said findings, the punishment of stoppage of increment and reduction of time scale of pay for three years, was imposed. The petitioner challenged the same in an appeal before the Director General of Police, Chennai. The said appeal was also rejected. The criminal case filed against the petitioner ended in acquittal on 24.09.2010. After 8 years of the rejection of the appeal, in the year 2004, the petitioner was acquitted in the criminal case. Till 29.09.2010, i.e., for nearly six years, the petitioner had not taken any steps to challenge the said order of punishment. Even on merits, the Director General of Police, while rejecting the appeal on 21.09.2004 had observed that the petitioner has got a heavy load of six punishments. Therefore, it appears that the petitioner is a habitual offender. The petitioner had filed a Mercy petition before the Government on 29.09.2010 based on the acquittal by the criminal court. The said Mercy petition was rejected by the Government on 10.09.2012. Aggrieved the petitioner has filed the present writ petition.

3. I do not find any reason to interfere with the punishment imposed on the petitioner. He is a person belonging to the uniformed service and has suffered 6 punishments earlier. The conduct of the petitioner required a real deterrent and that was handed out in the present disciplinary proceedings.

Hence, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Co)

/True copy/



To

1.The Principal Secretary to Government,
Home(Police VI)Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2.The Director General of Police,
Chennai.

3.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

4.The Superintendent of Police,
Dindigul.

+1 cc to Special Government Pleader in SR.No. 16649

PJL

AE/RR/SAR3/06.04.2017/3P/6C

W.P(MD) .No.1977 of 2013
20.03.2017