

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1228 of 2018
and
C.M.P.No.10057 of 2017

M.Singaravelan

Appellant

Versus

The Commissioner of Police,
Salem City, Salem.

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 7.12.2017 passed in W.P.No.24198 of 2013 on the file of this court.

WP.NO.24198/2013:

Petition filed under Article 226 of the Constitution of India praying to Issue a Writ of Certiorari or any other appropriate Writ or order or direction on the nature of a Writ to call for the records pertaining to the Charge Memo issued by the respondent in P.R.No.42/ H1/2011 dated 14.10.2011 and quash the same

For appellant : Mr.K.Venkataramani, Senior Counsel
for M/s.M.Muthappan

For respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

The intra-court appeal has been filed by the petitioner challenging the order passed by the learned Single Judge in dismissing the writ petition and thereby declining to interfere with the charge memo issued against the writ petitioner.

2. The case of the appellant/writ petitioner is that while he was holding the post of Deputy Commissioner of Police in Armed Reserve and due to retire by 28.2.2010, a criminal case was filed against him in Crime No.1 of 2010 on 2.2.2010 on the file of the District Central Crime Branch, Salem City and based on the same, he was placed under suspension and his services were retained under Rule 56(1)(c) of the Tamil Nadu Fundamental Rules.

3. It appears that subsequently, this court quashed the criminal case in Crl.O.P.No.4429 of 2010 on 16.3.2011 and based on the same, he sought for exoneration from the department proceedings.

4. The learned Single Judge, having observed that acquittal or quashing of the criminal proceedings will not be a ground for exonerating a Government employee from the departmental proceedings as high standard of proof is required for convicting a person under the criminal law, however, no such strict proof is required for departmental proceedings and preponderance of probability is sufficient to punish an employee under the Conduct Rules, dismissed the writ petition.

5. We do not find any reason to interfere with the order passed by the learned Single Judge. However, considering the facts and circumstances of the case that the enquiry proceedings were already completed and second show cause notice is issued, the appellant/writ petitioner is given liberty to submit his reply to the second show cause notice, raising all his contentions within a period of one month from the date of receipt of a copy of this judgment and in such event, final orders shall be passed in the disciplinary proceedings, considering the contentions of the appellant, within a period of three months thereafter. With the above observation, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To:

The Commissioner of Police,
Salem City. Salem.

+1cc to Government Pleader in sr.no.44555

W.A.No.1228 of 2018

06/08/2018



WEB COPY