

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.7.2018

CORAM

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

W.A.No.1488 of 2018
and
C.M.P.No.11748 of 2018

- 1 The Director General of Police
Tamilnadu Police Head Quarters
Chennai-600 004.
- 2 The Deputy Inspector General
of Police Salem Range Salem.
- 3 The Superintendent of Police
District Police Office Namakkal. ... Appellants

Versus

K.Subramaniam ... Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 6.10.2016 passed in W.P.No.29674 of 2014 on the file of this court.

Writ Petition filed Under Article 226 of the Constitution of India praying for the issuance of writ of Certiorarified Mandamus Calling for the records relating to the 3rd respondents proceedings No. Tha.Pa. No.25/G/1/2012 dated 04.12.2012 and 2nd respondents proceedings No.C. No.B1/44/607/2013 dated 30.01.2013 and the 1st respondent herein proceedings R.C.No. 055272/P.2(2)/2013 dated 07.04.2014 imposing punishment of compulsory retirement and quash the same and consequently direct the respondents to reinstate the petitioner.

For appellants : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For respondent : Mr.S.S.Senthil

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.S.S.Senthil, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in quashing the impugned order and remanding the matter to the first appellant to reconsider the issue with regard to quantum of punishment.

3. It appears that the respondent herein, while working as Head Constable in Paramathivalur Police Station, Namakkal District, was subjected to disciplinary proceedings for his unauthorised absence and subsequently, he was compulsorily retired. The learned Single Judge, having gone through the issue in the light of decision of this court and that of the Apex Court and having applied his mind, found that the punishment appears to be harsh and disproportionate and accordingly, quashed the punishment of compulsory retirement and remanded the matter to the appellants to re-consider the matter and impose appropriate lesser punishment.

4. In such view of the matter, we do not find any reason to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

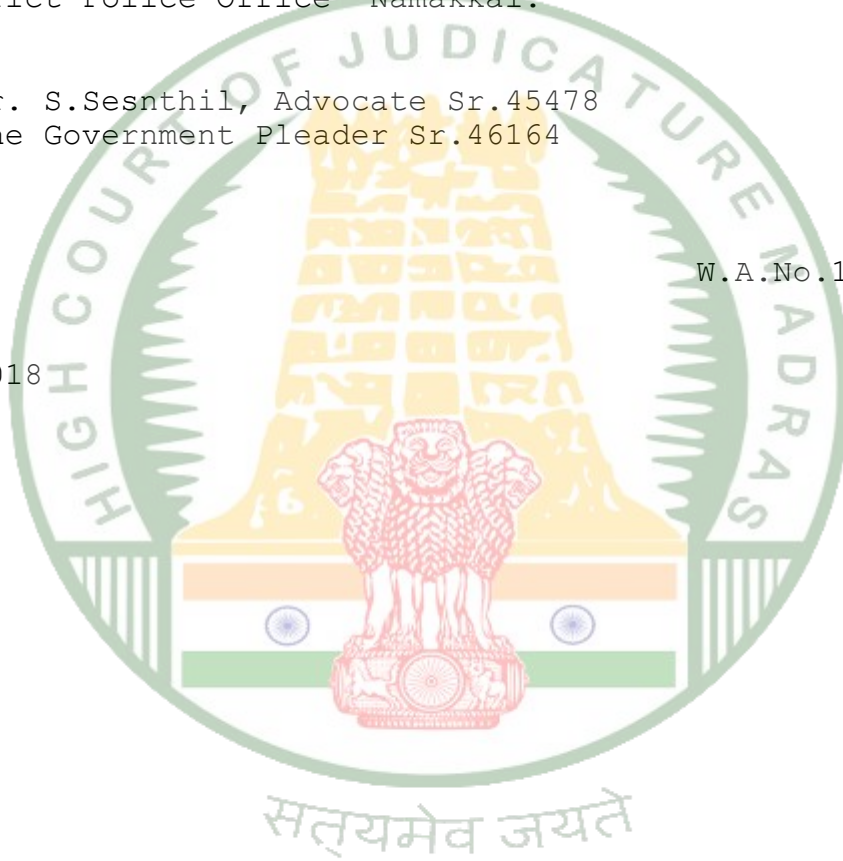
To:

- 1 The District General of Police,
Tamilnadu Police Head Quarters,
Chennai-600 004.
- 2 The Deputy Inspector General,
of Police Salem Range Salem.
- 3 The Superintendent of Police,
District Police Office Namakkal.

+1cc to Mr. S.Sesnthil, Advocate Sr.45478
+1cc to the Government Pleader Sr.46164

W.A.No.1488 of 2018

srg 1/8/2018



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