

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM:

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

W.P.No.8596 of 2018 and
WMP.Nos.10527 and 10528 of 2018

P.P.Jayaraj ... Petitioner
vs

1. Union of India
rep. by the Director General of Police,
O/o.Director General of Police,
Police Headquarters, Puducherry.
2. The Superintendent of Police,
Cemetery Road, Mahe-673 310.
3. The Registrar,
Central Administrative Tribunal,
Chennai-104. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 13.3.2018 in O.A.No.310/1795/2017 passed by the 3rd respondent Tribunal and Order No.4724/SPM/CR/2017 dated 30.10.2017 passed by the 2nd respondent and quash the same and directing the 1st respondent to reinstate the petitioner in service w.e.f. 31.10.2017 with all consequential benefits including arrears of pay and allowances.

For Petitioner :: Mr.Raja Srinivas
for M/s.Giridhar and Sai

For Respondents :: M/s.Syed Mustafa,
(1 & 2) Special Government Pleader,
Pondicherry

ORDER

(Judgment of the Court was pronounced by HULUVADI G.RAMESH,
J.)

Challenging the correctness of the order passed in O.A.No.310/1795/2017 by the 3rd respondent/Tribunal dated 31.10.2017 and Order No.4724/SPM/CR/2017 dated 30.10.2017 passed by the 2nd respondent, the unsuccessful petitioner has preferred the present Writ Petition.

2. The Original Application was filed seeking the following reliefs:

' 1. To call for the records relating to Order No.4724/SPM/CR/2017 dated 30.10.2017 passed by the 2nd respondent and quash the same;

2. To call for the records relating to Order No.4724/SPM/CR/2017 dated 10.11.2017 passed by the 1st respondent and to quash the same;

3. To direct the respondents to reinstate the applicant in service w.e.f. 31.10.2017 with all consequential benefits including arrears of pay and allowances and

4. to award costs.'

3. After hearing the learned Counsel on either side, on merits, the Tribunal, the 3rd respondent herein has declined the interim relief sought for by the applicant therein stating that the balance of convenience is not in favour of him for being reinstated. Thereafter, the applicant was placed under suspension by the 2nd respondent, namely, the Superintendent of Police, Mahe. Therefore, the applicant is before this Court with this Writ Petition.

4. The matter is listed today, under the caption, 'for admission.'

5. We have heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. We have also perused the materials available on record carefully.

6. A perusal of the typed set of papers filed along with the affidavit filed in support of the Writ Petition reveals that on account of a complaint lodged by one Mr.Nakulan that he was assaulted by the petitioner herein, the petitioner herein, who was working as Sub-Inspector of Police, Coastal Police Station, Mahe, was placed under suspension by the 2nd respondent herein as per the direction of the 1st respondent. But according to the petitioner, on 30.10.2017 around 4.30 p.m., when he was proceeded to the office of the 2nd respondent to attend a meeting, he noticed 3 buses obstructing traffic and also entry to the Coastal Police Station, Mahe. When he along with one PC 3215 Nithish went to remove the vehicles from the spot, Mr.Nakulan, who was under the influence of alcohol abused them. Therefore, he instructed HC 2036 Mr.Selvam to hand over him to Mahe Police Station along with Special report to book a petty case against him. Then, he proceeded to attend the meeting in the 2nd respondent Office. In the meantime, 15 persons entered the Coastal Police Station, threatened the policemen and enabled Nakulan to escape from their custody. In this regard, the petitioner himself has submitted a report to the 2nd respondent. But the said Nakulan got himself admitted in the

Government General Hospital, Mahe as though he was assaulted by the petitioner herein while the petitioner was in an inebriated mood.

7. On the above facts and circumstances of the matter, prima facie, we are of the view that though as stated by one Mr.Nakulan, the petitioner herein has slapped him, the punishment of suspending him from service is so harsh, that too, for regulating the traffic, when the said Nakulan has refused to co-operate for the same, the petitioner would have slapped him. This apart, there is no evidence to show that the petitioner has consumed alcohol at that time and there is no grave charges like demanding bribe, corruption charges etc. against him. Therefore, the 1st respondent, who directed the 2nd respondent to pass the order of suspension on the petitioner, is directed to reinstate him in service by giving appropriate warning to the petitioner not to indulge in such type of activities in future and to close the matter.

8. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/--

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
O/o.Director General of Police,
Police Headquarters, Puducherry.
2. The Superintendent of Police,
Cemetery Road, Mahe-673 310.
3. The Registrar,
Central Administrative Tribunal,
Chennai-104.

+1cc to M/s.Giridhar & Sai, Advocate Sr.No.28936
+1cc to Government Pleader Sr.29264

GJ(CO)
sm:8.5.2018

W.P.No.8596/2018