

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.18949 of 2011

C.Sudha

... Petitioner

Vs

1.The Superintendent of Police,
Tiruvallur District.

2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai 4.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the respondents in connection with the impugned order passed by the 1st respondent in PR No.76/2009 dated 11.1.10 and by the 2nd respondent in RC No.267160/API(2)/2010 dated 23.3.11 and quash the same.

For Petitioners : Mr.K.Venkataramani
Senior counsel
for M/s.M.Muthappan

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The petitioner was recruited as Grade II Police Constable by the Tamil Nadu Uniformed Services Recruitment Board. After undergoing institutional training, the petitioner was posted to serve in Tamil Nadu Special Police II Battalion, Avadi, and then, transferred to District Armed Reserve, Tiruvallur District in the year 1997. After serving for a period of 4 years, the petitioner was transferred to Taluk Police in Tiruvallur District in the year 2001. Thereafter, he was upgraded as Grade I Police Constable in the year 2004.

2. On 24.08.2009, the petitioner was placed under suspension for absenting himself from duty on 22.08.2009 between 14.00 hours and 23.00 hours and also for abusing the Sub-Inspector of Police in a drunken state. Thereafter, he was proceeded departmentally under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules for the alleged act of misconduct.

3. An enquiry was conducted by the Enquiry Officer. On conclusion of the enquiry, the charges were found to be established. The findings of the enquiry officer was accepted. The petitioner was ultimately imposed with the punishment of stoppage of increment for 2 years without cumulative effect by order dated 11.01.2010. Thereafter, the petitioner accepted the penalty and he has not preferred any appeal. However, belatedly the petitioner submitted a mercy petition and the same also came to be rejected on 23.03.2011. Those orders passed by the disciplinary authority and the orders passed in the mercy petition are put to challenge before this Court in this Writ Petition.

4. Mr. T.M. Pappiah, learned Special Government Pleader, entered appearance on behalf of the respondents and filed a detailed counter affidavit. In the counter affidavit, it is clearly stated that the act of misconduct alleged against the petitioner has been clearly established in the enquiry and the punishment of stoppage of increment for 2 years without cumulative effect was imposed by taking a lenient view and therefore, the petitioner cannot have reasonable cause for approaching this Court and for assailing the impugned order of penalty. In fact, in the counter affidavit, detailed averments were made with regard to the statements made by the witnesses and how the authorities had proceeded with the charges.

5. On consideration of the arguments made by the learned senior counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and further considering all the materials and pleadings placed on record, this Court is of the view that the petitioner has not made out a case for interference of this Court. The petitioner, having been proceeded with departmental enquiry for the alleged misconduct and each misconduct having stood established in the properly conducted departmental enquiry, cannot have legitimate grievances against the imposition of final penalty. The penalty is also not disproportionate to the gravity of the misconduct committed by the petitioner. On the other hand, the respondents administration took a lenient view and imposed minor penalty on the petitioner. Therefore, as rightly contended by the learned Special Government Pleader, the petitioner cannot have any legitimate grievances against the punishment imposed on him.

6.For the above reasons, this Court finds no merit in the Writ Petition and therefore the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sai

To

1.The Superintendent of Police,
Tiruvallur District.

2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai 4.

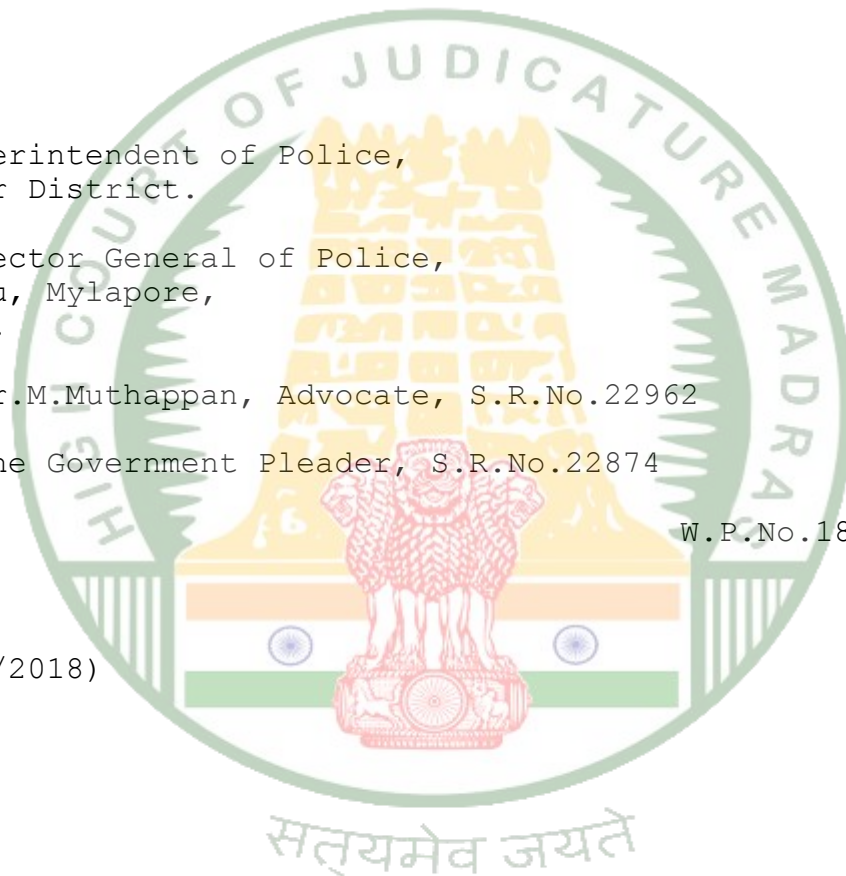
+1cc to Mr.M.Muthappan, Advocate, S.R.No.22962

+1cc to the Government Pleader, S.R.No.22874

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SR(CO)

RRK(24/04/2018)



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