

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.5486 of 2009

and

M.P.No.1 of 2009

P.Nagarajan

... Petitioner

Vs.

The Deputy Inspector-General of Police,
Villupuram Range, Villupuram.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent herein formulating a Charge Memo against the petitioner in his P.R.No.D1/18/2009 dated 28.02.2009 and quash the same.

For Petitioner:Mr.Ravi Shanmugam

For Respondent:Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

O R D E R

This Writ Petition has been filed, to call for the records of the respondent herein, formulating a Charge Memo against the petitioner in P.R.No.D1/18/2009 dated 28.02.2009 and to quash the same.

2. The case of the petitioner is that he joined the services as Grade II Police Constable on 27.11.1978 and he was promoted as Grade I Police Constable in the year 1988. He was further promoted as Head Constable in the year 1998 and as Sub-Inspector of Police in the year 2005. On 05.02.2009, he was placed under suspension on the ground that he has been included as 5th accused in the charge sheet filed before the Judicial Magistrate - I in Cr.No.392/2006 under Section 217, 218, 219, 201 and 302 IPC of Vridhachalam Police Station. Thereafter, On 23.03.2009, he was issued with a charge memo under Rule 3(b) of the T.N.P.S.S (D&A) Rules in P.R.No.D1/18/2009 dated 28.02.2009. Since the allegation in the said charge memo is against the petitioner, he has filed this Writ Petition to quash the same.

3. The learned Additional Government Pleader has produced the proceedings of the Deputy Inspector General of Police, Viluppuram Range, Viluppuram, wherein, it could be seen that the petitioner, namely, P.Nagarajan, the Sub-Inspector of Police, Edaikkal, P.S., Viluppuram District (Placed under suspension and not allowed to retire on 31.03.2016) was dealt with a charge under Rule 3(b) of TNPSS (D&A) Rules, 1955 in Viluppuram District PR.31/2011 for the following delinquencies committed by him :

(i) Gross dereliction of duty in having absented himself for duty at Armed Reserve, Viluppuram from 21.06.2011, 06.00 hours.

(ii) Highly reprehensible conduct in having involved in a murder case in Viluppuram Taluk P.S. Cr.No.446/11, u/s 302, 120(b) IPC along with accused (A1) Muthamilselvan, S/o.Thillaiambalam, (A2) Mohan, S/o.Pandurangan and (A3) Lakshmi, W/o.Deenathayalan, conspired with them and helped to execute the murder of his own son-in-law Tr.Deenadayalan on 21.06.2011.

4. It could be further seen from the above proceedings that the Deputy Superintendent of Police, Gingee Sub-Division, Viluppuram, had conducted an oral enquiry on the above charges and had submitted the report holding the charges as "Proved". A copy of the said report was sent to the delinquent officer on 17.08.2012 and he has furnished his further representation on 28.08.2012. The Deputy Inspector General of Police, Viluppuram Range, Viluppuram, after carefully gone through the charge memo, explanation, findings of the enquiry report and further representation of the petitioner along with the connected records, had concurred with the findings of the Enquiry Officer and had imposed the punishment of "Dismissal from Service with effect from 31.03.2016 AN (i.e., the actual date of the petitioner superannuation)" on the petitioner.

5. Based on the above order of the Deputy Inspector General of Police, Viluppuram Range, Viluppuram, dated 11.04.2017, the Superintendent of Police, Viluppuram, has issued a proceedings in C.No.D2/PR.31/2011 dated 22.04.2017 to the following effect:-

"In accordance with the orders issued by the Deputy Inspector General of Police, Viluppuram Range, Viluppuram, in proceedings R.O.No.122/2017, C.No.B2/PR.11/2012, dated 11.04.2017 in PR.No.31/2011 of Viluppuram District u/r 3(b) of TNPSS (D&A) Rules 1955) against Tr.P.Nagarajan, Sub Inspector of Police, formerly of Edaikkal P.S., Viluppuram District (not allowed to retire on

31.03.2016) is awarded the punishment of "Dismissal from service with effect from 31.03.2016 AN (i.e., the actual date of his superannuation)".

6. In view of the above, the petitioner was imposed with the punishment of "Dismissal from Service with effect from 31.03.2016" for the offences committed by him, hence, his prayer in this Writ Petition to quash the charge memo dated 28.02.2009, cannot be granted by this Court. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

raja
To

The Deputy Inspector-General of Police,
Viluppuram Range, Viluppuram.

+1 CC to Govt. Pleader sr 45711.

W.P.No.5486 of 2009
and
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AD(CO)
SP(19/11/2018)

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