

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2884 of 2018

V.Murthy

.. Petitioner

-vs-

1. The Additional Chief Secretary to Government
Home (Pol.XV) Department
Home Department
Fort St.George
Chennai 600 009
 2. Director General of Police
Chennai 600 004
 3. Inspector General of Police
Armed Police
Trichy-12
 4. Deputy Inspector General of Police
Armed Police
Chennai 600 010
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records in G.O.(D) No.1081 Home (Pol.XV) Department dated 22.08.2017 and quash the same and direct the first respondent to consider the case of the petitioner with reference to the proportionate punishment as directed by this Hon'ble Court by order dated 3.11.2014 passed in W.A.No.2167 of 2012.

For Petitioner :: Mr.S.Sadasharam

For Respondents :: Mr.R.S.Selvam
Government Advocate

ORDER

The petitioner, on being found guilty of all the three counts of charge, was imposed with the punishment of removal from service from the post of Office Assistant in P.R.No.5 of 2003 by the Deputy Inspector General of Police, Armed Police, Chennai by order dated 14.1.2004. Aggrieved thereby, he preferred an appeal to the appellate authority, namely, the Inspector General of Police, Armed Police, Tiruchirappalli, who also rejected the same in his proceeding dated 24.1.2005. Again the petitioner preferred a mercy petition on 30.9.2005 to the Director General of Police, Tamil Nadu, which was also rejected in his proceedings dated 9.2.2006. Aggrieved by the rejection of his mercy petition, O.A., was filed before the Tamil Nadu Administrative Tribunal, which was subsequently transferred to this Court and renumbered as W.P.No.5433 of 2008. This Court, by a common order dated 21.6.2012, dismissing the writ petition, confirmed the order of removal. As against that, W.A.No.2167 of 2012 was also filed and this Court, while disposing of the writ appeal, gave liberty to the petitioner to pursue his mercy petition filed before the Government on 5.8.2006. Pursuant thereto, the Government also, by the impugned G.O., finding that his mercy petition cannot be entertained, confirmed the order of removal. Aggrieved thereby, the present writ petition has been filed.

2. Learned counsel for the petitioner submitted that when there is no proof or finding given against the petitioner that he had received the bribe amount, as the amount said to have been received is only a commission, some mercy should be shown to him for his reinstatement.

3. But this Court is unable to find any merit. The reason being that even in the common order dated 21.6.2012 passed in W.P.Nos.38979 of 2005 & 5433 of 2008, this Court has found him guilty of taking money. Therefore, when the evidence of the petitioner was found sufficient for imposing the penalty for the proved misconduct against one Jameela Joseph, that finding will definitely operate against the petitioner also. Hence, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Additional Chief Secretary to Government
Home (Pol.XV) Department
Home Department, Fort St.George
Chennai 600 009

2. The Director General of Police
Chennai 600 004

3. The Inspector General of Police
Armed Police
Trichy-12

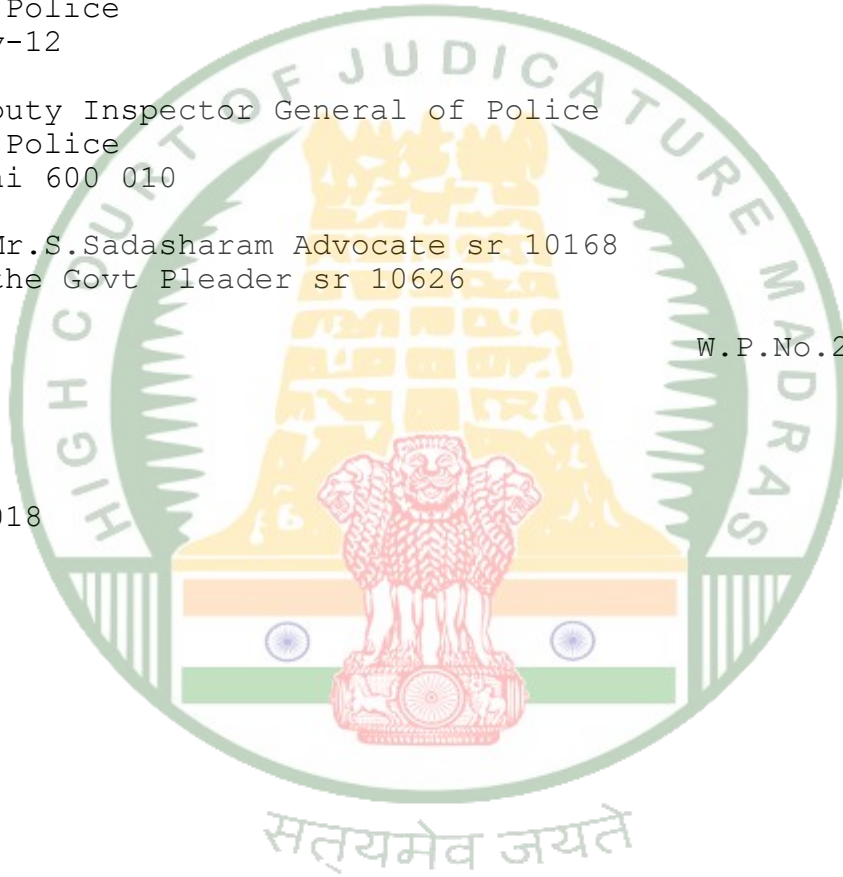
4. The Deputy Inspector General of Police
Armed Police
Chennai 600 010

+1 cc to Mr.S.Sadasharam Advocate sr 10168

+1 cc to the Govt Pleader sr 10626

W.P.No.2884 of 2018

ks(co)
aa21/02/2018



WEB COPY