

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2018

CORAM
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16331 of 2008
and
M.P.No.2 of 2008 & M.P.No.1 of 2009

R.Arivanandam

... Petitioner

Vs.

1. Government of Tamilnadu
Rep. by its Secretary
Home Department
Secretariat, Chennai - 9.

2. The Superintendent of Police
Thanjavur District.
(I/C) Thiruvarur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent in his proceedings D.O./892/2008/ C.No.K.1/18504/2006 dated 14.06.2008 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records of the 2nd respondent in his proceedings D.O./892/2008/ C.No.K.1 / 18504/2006 dated 14.06.2008 and to quash the same, insofar as the petitioner is concerned.

2. The case of the petitioner is that he was selected as Sub Inspector of Police in the year 1987 and thereafter, promoted as Inspector of Police in the year 1998, and then, working as Inspector of Police in Kallakurichi Police Station, Villupuram District. The petitioner would submit that during his tenure from the date of joining, he got unblemished record in service, while so, the 2nd respondent herein ordered recovery proceedings against him in D.O./892/2008/C.No.K.1/18504/2006 dated 14.06.2008 for the incident occurred in the year 2001-2002

though the petitioner was not involved directly or indirectly to the said occurrence.

3. The petitioner would also submit that while he was working as Inspector of Police in the year 2001, at Thiruvavarur Town Police Station, on 01.11.2001 at 4.30 pm, he went to the place of Durgalaya Road regarding Crime No.428/01 for inspecting and preparing sketch, and thereafter, he was assisting the Deputy Superintendent of Police up to 10.00 pm and then went to Thiruvavarur Medical Centre for inquiring the health condition of Selvaraj & another, who admitted for treatment. At that time, he was asked to come over to Station immediately, by the Sub Inspector of Police, hence, he reached the Police Station at 11.30 pm, wherein, he was informed that one Dhanasekaran, who appeared in the station for enquiry regarding Crime No.429/2001, had died soon after he let out from the station, who was taken to the hospital for chest pain. Since the death was caused after the police enquiry, the 1st respondent herein, ordered R.D.O. enquiry in P.S.O.151.

4. The petitioner would further submit that the R.D.O had submitted his report on 15.05.2002, in Proceedings No.M.C.57/2001 A.2/15.05.2002, wherein, he has not stated anywhere that the petitioner had involved in the above occurrence. Further, in the evidence given by various persons before him, no one has deposed or alleged that the petitioner was in station at the time of enquiry with the deceased Dhanasekaran or he caused the death of the deceased. Hence, the petitioner would submit that based on the report of the R.D.O, the 1st respondent issued abstract in G.O.Ms.No.550 dated 30.04.2008/Public (Law & Order - A) Department, stating that the departmental action is initiated against the petitioner, as he was working as Inspector of Police and in-charge of the station, at the time of alleged occurrence.

5. Moreover, the petitioner would submit that after initiation of the departmental proceedings, the 2nd respondent had passed the impugned order in D.O./892/2008/C.No.K.1/18504/2006 dated 14.06.2008, that the petitioner's salary would be deducted from the month of June 2008, in order to effect recovery of compensation amount, paid by the 1st respondent to the next kin of deceased Dhanasekaran, who died on 02.11.2001, while under the custody of Thiruvavarur Town Police Station. Challenging the said order dated 14.06.2008, the present Writ Petition has been filed by the petitioner, to quash the same.

6. On 20.08.2008, when the Writ Petition was taken up for hearing, this Court had granted an Interim order in M.P.No.2 of 2008, against the order of recovery and as per the same, no amount was recovered from the petitioner herein. Today, i.e. on

24.07.2018, when the matter is taken up for hearing after adjourning on many occasions, the learned Additional Government Pleader appearing for the respondents, has produced a letter of the Superintendent of Police in C.No.K1/PR 32/2007 dated. .07.2018, wherein, the Superintendent of Police, Thiruvarur District, Thiruvarur, has addressed to the Additional Government Pleader to the following effect:

"I wish to state that the Punishment Roll No:32/2007 u/r 3(b) of Thiruvarur District against Tr.R.Arivanandam, formerly of Inspector of Police, Thiruvarur Town Police Station, Thiruvarur District now Deputy Superintendent of Police, Anti-Land Grabbing Special Cell Theni District was awarded a punishment of "postponement of increment for one year which shall not operate to postpone his future increment" by the Deputy Inspector General of Police, Villupuram Range on 21.06.2010.

Further, it is stated that the Punishment Roll reviewed by the Additional Director General of Police (L&O), Chennai - 4, and setaside the above punishment and further action dropped vide in his proceedings Rc.No.195465/Con 3(2)/2006, dated 30.04.2011."

7. Based on the above order of the Superintendent of Police, Thiruvarur, the punishment imposed on the petitioner under Rule 3(b) of Thiruvarur District, has already been dropped, hence, nothing survives for further adjudication. Since the interim order in M.P.No.2 of 2008 has already been granted by this Court, the same is made absolute, and the Writ Petition is allowed. No costs. Consequently, the vacate stay petition is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

raja

To

1.The Secretary,
Government of Tamilnadu
Home Department
Secretariat, Chennai - 9.

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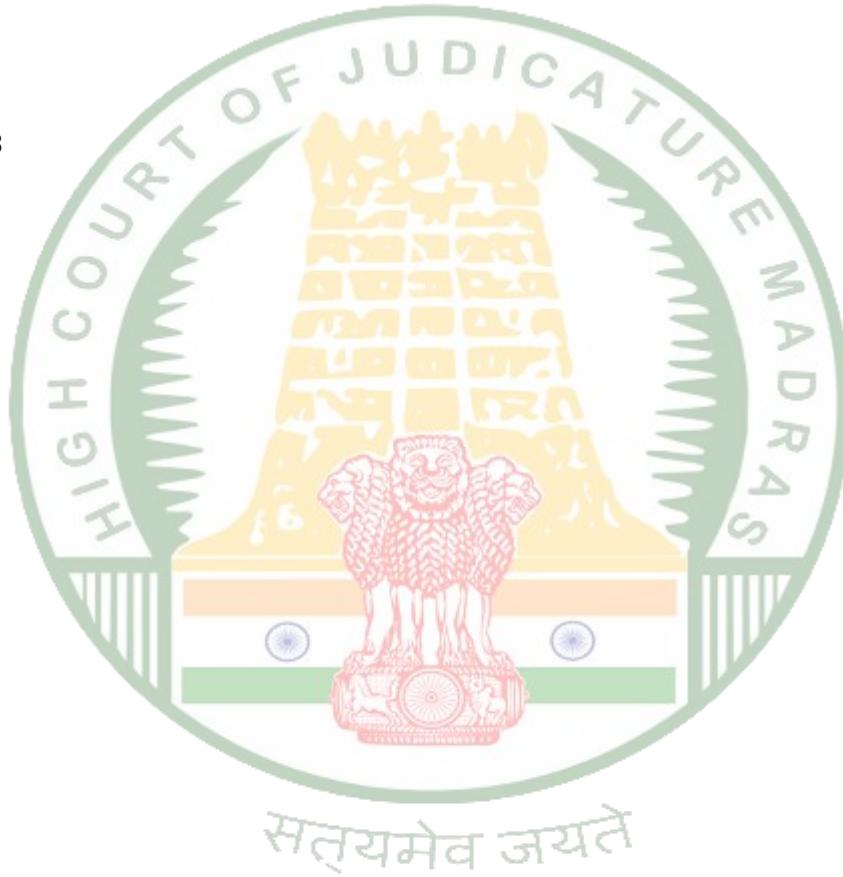
2.The Superintendent of Police
Thanjavur District.
(I/C) Thiruvarur District.

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No.49512
+1cc to the Government Pleader, S.R.No.49974

W.P.No.16331 of 2008
and
M.P.No.2 of 2008 & M.P.No.1 of 2009

AK (CO)

11/12/2018



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