

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.802 OF 2016

G. MUTHUKRISHNAN

... Appellant

Vs

1 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY TO HOME DEPARTMENT
FORT ST. GEORGE CHENNAI 600 009

2 THE DIRECTOR OF GENERAL
OF POLICE KAMARAJAR SALAI MYLAPORE
CHENNAI 600 004

3 THE ADDITIONAL DIRECTOR
GENERAL OF POLICE (L&O) KAMARAJAR SALAI
MYLAPORE CHENNAI 600 004

4 THE DEPUTY INSPECTOR GENERAL
OF POLICE RAMANATHAPURAM RANGE
RAMANATHAPURAM

5 THE SUPERINTENDENT OF
POLICE RAMANATHAPURAM

... Respondents

Appeal filed against the order passed by this Court dated 18.2.2016 passed in W.P.No.5938 of 2016. Petition under Article 226 of the constitution of India to issue a writ of certiorari Mandamus, to call for the records pertaining to the Impugned order in PR.No. 23/1993 dated 24.05.1994 passed by the 5th respondent and which was confirmed by 4th respondent in the appeal petition in C.No. A4/7065/Ap-24/94 dated 30.06.1994 and punishment modified by the 3rd respondent in Rc.No. 194008/AP.II (4)/ 94 dated 21.10.1994 which was confirmed by the 2nd respondent in RC.No. 126952/AP.1(2)/2006 dated 04.12.2006 again which was confirmed by the 1st respondent in G.O.(2D) No. 30 dated 30.01.2015 and quash the same and consequently direct the respondents to provide the arrears of salary to the punishment period and revise the service seniority to the petitioner.

For appellant : Mr.A.Rajaram
<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr.V.Anandhamoorthy, A.G.P.J U D

G M E N T
(made by K.K.SASIDHARAN, J.)

The appellant, who was involved in a serious act of misconduct, was given maximum leniency by the appellate and revisional authorities, by reducing the punishment. Even then, the appellant preferred a mercy petition before the Director General of Police, for further reduction of punishment. The mercy petition was rejected. The said order was unsuccessfully challenged before the writ court. Feeling aggrieved, the appellant has come up with this intra court appeal.

2. The factual matrix indicate that the appellant who was then working as a police constable, assaulted his colleague with a torch light and caused serious injuries to him. The Disciplinary Authority, on the basis of the enquiry report, imposed the punishment of dismissal from service. The said order was challenged before the Appellate Authority. The Appellate Authority dismissed the appeal.

3. Thereafter, a review petition was filed before the Additional Director General of Police. The reviewing authority allowed the review petition and modified the punishment into one of reduction in the time scale of pay by one stage for a year, with cumulative effect. Thereafter, the appellant filed a mercy petition before the Director General of Police. The petition was dismissed taking into account the modification of punishment given by the Additional Director General of Police.

4. The appellant was involved in a serious misconduct. The Disciplinary Authority rightly imposed the punishment of dismissal from service. However, the same was modified by the Additional Director General of Police. The appellant should have accepted the modified punishment with all humility. The appellant without taking into account the seriousness of the charges framed against him, pleaded for reduction of punishment before the Director General of Police as if he was not involved in any misconduct. However, the enquiry report stares at him. The charges were clearly proved on the basis of evidence. The Director General of Police was therefore perfectly correct in dismissing the mercy petition. The learned single Judge rightly dismissed the Writ Petition.

5. In the result, the intra court appeal is dismissed.

Sd/-
Assistant Registrar (CS-IV)

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Sub Assistant Registrar

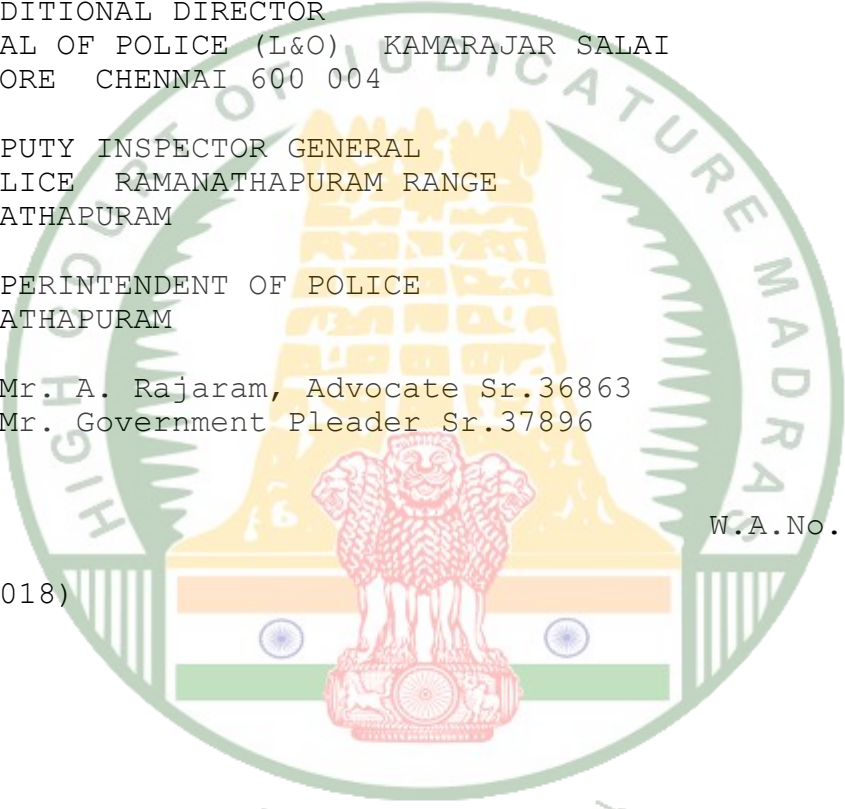
To

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HOME DEPARTMENT
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- 5 THE SUPERINTENDENT OF POLICE
RAMANATHAPURAM

+ 1 cc to Mr. A. Rajaram, Advocate Sr.36863
+ 1 cc to Mr. Government Pleader Sr.37896

BS (CO)
EU (09/07/2018)

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