



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.12.2018

DELIVERED ON : 07.12.2018

WEB COPY

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.P(MD)No.14147 of 2018

T.Shyamala Devi,  
Sub Inspector of Police,  
Economic Offence Wing II,  
Thanthondrimalai,  
Karur District.

.. Petitioner

Vs.

1.The Deputy Inspector General of Police,  
Thiruchirapalli Range,  
Race Course Road,  
Thiruchirapalli - 620 020.

2.The Superintendent of Police,  
District Police Office,  
Karur District.

3.The Deputy Superintendent of Police,  
DCRB, Karur District Police Office,  
Karur District.

4.The Inspector of Police,  
DCRB, Karur District Police Office,  
Karur District.

.. Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondents in respect of punishment issued in charge memo vide P.R.No.47/2016 dated 26.09.2016 and in consequence of charge, award of punishment as postponement of increment for next two years by the first respondent vide Na.Ka.B2/Ta.Pa.20/17, dated 20.03.2018, set aside the same and consequently direct the respondents to grant the increment to the petitioner and pass such further or other orders.

For Petitioner  
For Respondents

: Mr.K.Neethimohan  
: Mr.J.Gunaseelan Muthiah,  
Additional Government Pleader

**ORDER**

The case of the petitioner is that she is working as Sub Inspector of Police, Economic Offences Wing II, Thanthondrimalai, Karur District. The punishment imposed on her pursuant to the charge memo dated 26.09.2016 awarding punishment of postponement of increment for two years vide order dated 20.03.2018 passed by the first respondent, is challenged by her on the ground that the order was passed with mala-fide intention and in violation of principles of natural justice. She has attributed the motive for issuing charge memo to her and quoted the earlier attempts made by the respondents to punish her for violation of Conduct Rules, charge memos issued to her, the writ petitions filed by her and how the attempt made by the respondent was prevented due to intervention of the orders passed by the Court in the writ petitions filed by her. Therefore, citing the previous incidents at length, the petitioner herein has submitted that the present charge memo is the fourth attempt of the respondents and by conducting false enquiry, the impugned order of punishment of stoppage of increment for two years has been imposed on her.

2.The second respondent has filed a counter defending the merit of the order passed by the first respondent and further stated that against the order passed by the disciplinary authority, the statute provides for appeal and review and further mercy petition to the State. While so, without exhausting the statutory remedy available under the law, the petitioner has approached this Court suppressing the fact and providing misleading informations to prejudice the minds of the Court.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader representing the respondents.

4.Since some grave allegations have been made against the respondents, this Court gave anxious consideration on the averments made in the affidavit.

5.As far as the earlier proceedings initiated against her and the transfer orders passed by the respondents herein are totally irrelevant for the case in hand. Since the present charge memo against her is very specific and pointed out wherein she has been alleged to have failed to report duty on 15.08.2016 after leaving the station for lunch break. Having left the office at 01.30 p.m. for lunch she should have returned back by 02.00 p.m. During the roll call, she was not present in the station. Later, it was found that she had taken the two wheeler of one Dharmaraj bearing Registration No.TN-45-AW-8802 and had met with an accident causing death of one Velupillai and serious injury to the pillion rider Smt.Saroja. A case has been registered against her by Kulithalai Police Station in Crime No.589 of 2016 under Sections 279, 337 and 304-A IPC. Besides causing accident and death of a person by rash



and negligent driving, it is also found that the vehicle which the petitioner was driving was an uninsured vehicle. In the said circumstances, a specific charge has been issued to her and explanation from her has been called for.

6.The Enquiry Officer after examining the witnesses and the records pertaining to the General Diary maintained in the Police Station, has found that she was temporarily absent from the duty spot unauthorisedly and also involved in an accident. The punishment for the said misconduct was two years postponement of increment without cumulative effect.

7.The contention of the petitioner that she informed her superior before leaving the station was not found correct and the contradictions in her defence has been highlighted in the order of the first respondent, Deputy Inspector General of Police, Tiruchirappalli Range. The detailed averments of her past conduct and the writ petitions filed by her, as pointed out earlier, are not relevant to this case. By citing those proceedings, the petitioner wants to make out a case that the entire departmental proceedings initiated against her is borne out of mala-fide. But, the criminal case registered against her by Kulithalai Police Station and she was tried for the offences under Section 304-A IPC in C.C.No.241 of 2016 and the two wheeler which she was driving was uninsured, are undisputed facts. Mere acquittal in that case is not a bar to proceed against her for misconduct under the departmental proceedings. Further, the fact of rash and negligence might have been found not proved beyond reasonable doubt by the criminal Court, but the fact that she was not in the work spot on the date and her absence from the duty spot was unauthorised, remain undisputed. Therefore, this Court finds no reason to interfere with the order passed by the first respondent in the disciplinary proceedings. Hence, this writ petition is dismissed. No order as to costs.

Sd/-  
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Deputy Inspector General of Police,  
Thiruchirapalli Range,  
Race Course Road,  
Thiruchirapalli - 620 020.

<https://hcservices.ecourts.gov.in/hcservices/>  
2.The Superintendent of Police,  
District Police Office,



Karur District.

3.The Deputy Superintendent of Police,  
DCRB, Karur District Police Office,  
Karur District.

4.The Inspector of Police,  
DCRB, Karur District Police Office,  
Karur District.

+1cc to Mr.K.Neethimohan Advocate in SR.No.99419

+1cc to Special Government Pleader, SR.No.99663

ORDER MADE IN  
W.P (MD) No.14147 of 2018  
07.12.2018

SMN

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