



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 10.08.2018
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P(MD)No.17718 of 2018
and
W.M.P(MD)Nos.15598 and 15599 of 2018

A.Duraipandian

..Petitioner

Vs

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

2.The Commissioner of Police,
Madurai City, Madurai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records in R.C.No.24163/AP.3(1)/2007, dated 22.2.2008 on the file of the first respondent and to quash the same, as far as the Writ Petitioner is concerned.

For Petitioner	:Mr.M.M.Saravanan
For Respondents	:Mr.R.Sethuraman
1 and 2	Special Govt.Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking a direction to call for the records in R.C.No.24163/AP.3(1)/2007, dated 22.2.2008, on the file of the first respondent and to quash the same, insofar as the Writ Petitioner is concerned.

2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for R1 and R2. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner while working as Grade-II Police Constable, faced with disciplinary proceedings under Rule 3(a) of the Tamil Nadu Police Subordinate Services(Discipline and Appeal)Rules, 1955 and that on 29.09.2006, the petitioner was imposed with punishment of postponement of increment for one year with cumulative effect. Aggrieved by the same, the Petitioner has preferred an appeal and the Appellate authority by order, dated 22.2.2008, has rejected the claim of the Writ Petitioner. The only ground of attack is that there is violation of



principles of natural justice. However, the Petitioner has not established as to how there is violation of principles of natural justice.

4.It is seen that the punishment of postponement of increment for one year with cumulative effect was imposed in the year 2006, which was confirmed by the Appellate Authority on 22.02.2008 and in this regard, a Government Order has also been issued on 23.08.2013. From the date of issuance of the Government Order, almost five years have gone by and there is an inordinate delay in approaching this Court. Moreover, for the charges said to have been levelled against the Petitioner, punishment imposed was minimal. Hence, this Court is of the view that the punishment imposed after the commission of offence, cannot be interfered with, more particularly, the Petitioner has also undergone the punishment and that the Petitioner has approached this Court for the relief stated supra, with a delay.

5.For all the reasons stated above, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd
ASSISTANT REGISTRAR (CS II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR (CS III)

vsn

To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.

2.The Commissioner of Police,
Madurai City, Madurai.

1CC TO The Special Government Pleader, SR 78317

ES RP SAR 3
28 8 2018
2P 4C

ORDER MADE IN
W.P (MD) No.17718 of 2018 and
W.M.P (MD) Nos.15598 and 15599 of 2018
10.08.2018