

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22554 OF 2011

ORDER :

This Writ Petition is filed seeking a writ of mandamus in passing the impugned final orders dated 13.5.2010, wherein a punishment of pay fine equivalent to five days Pay to the petitioner, as confirmed by the 3rd respondent vide appellate authority order dated 22.9.2010 and orders of the 2nd respondent, vide order dated 31.12.2010 as illegal, arbitrary and consequently set aside the same.

2. Heard Mr. B.Krishna Kumar, counsel for the petitioner and Assistant Solicitor General.

3. It has been contended by the petitioner that he was appointed as Constable and he was promoted as Head Constable. He was discharging his duties as Head Constable. The respondents have issued a Charge Memo on 5.3.2010. The petitioner submitted his explanation. Not being satisfied with the said explanation, the disciplinary authority has issued final orders on 13.5.2010 and imposed a punishment of pay fine equivalent to five days Pay. Thereafter, he preferred an appeal. The same was also rejected and confirmed the orders of the disciplinary authority. Challenging the same, the present Writ Petition is filed.

4. This Hon'ble Court by orders dated 10.08.2011 was pleased to grant interim suspension of the said punishment order.

5. It has been further contended by the petitioner that during the pendency of the Writ Petition, the petitioner has retired from service.

6. The Assistant Solicitor General has contended that a minor penalty was imposed and as per the regulations, no regular enquiry has to be conducted while imposing minor penalty. Admittedly, in this case, a minor penalty is imposed, after issuing charge memo and after permitting the applicant to submit his explanation.

7. This court is of the considered view that the respondents have rightly passed the orders after following the due process of law. In the absence of irregularity or illegality pointed out, this court cannot interfere in the impugned orders of punishment.

8. Writ Petition is accordingly dismissed.

9. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

29th October, 2018

GS



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 22554 OF 2011



29th October, 2018

GS