

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WP.No.25049 of 2004

P.Gurunathan,
78, Battalion,
C.R.P.F,
Government Degree College,
Batherwah, Doda.

...Petitioner

Vs

1. The Commandant,
78, Battalion,
Central Reserve Police Force,
Poonamallee, Chennai - 600 056.
2. The Deputy Inspector General of Police,
Central Reserve Police Force,
Poonamallee,
Chennai - 600 056.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the order passed by the 2nd respondent in his Office Order No.R.XIII-1/2004-EC-3 dated 16.03.2004 confirming the order passed by the 1st respondent in his Order No.P-VIII-3/03-78-EC-II dated 20.10.2003 quash the same.

For Petitioner : Mr.M.MD.Ibrahim Ali

For Respondents : Mrs.M.P.Jaisha, CGSC

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O R D E R

The order under challenge in the present Writ Petition is against the punishment of withholding of annual increment for a period of two years without cumulative effect. The order of punishment has been confirmed by the first respondent herein.

2. On a perusal of the order under challenge, it is seen that the petitioner herein was issued with a Show Cause Notice on 13.03.2003 along with the statement of articles charge sheeted against the petitioner. No reply to the Show Cause Notice was given by the petitioner. Thereafter, an enquiry has been conducted by following the principles of natural justice and after giving due opportunity to the petitioner also. It is further seen that the petitioner herein had admitted the guilt and thereby the charges under Article -III has been proved beyond any doubt. Though the petitioner had preferred to challenge the order of the disciplinary authority belatedly, the appeal came to be entertained and the appellate authority has also gone into the merits of the case and dismissed the same.

3. Though the charges against the petitioner seems serious in nature, the respondents have chosen to impose a minor punishment of postponement of increment for a period of two years without cumulative effect. As such, it cannot be said that the petitioner was not given due opportunity during the course of enquiry nor can it be held that the punishment is disproportionate to the charges. Above all, since the petitioner himself has admitted the guilt, I do not find any infirmity in the orders of the disciplinary authority and the appellate authority.

4. Hence, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ebsi/hvk

To

1. The Commandant, 78, Battalion,
Central Reserve Police Force,
Poonamallee, Chennai - 600 056.

2. The Deputy Inspector General of Police,
Central Reserve Police Force,
Poonamallee, Chennai - 600 056.

+1cc to Mrs.M.P.Jaisha, CGSC, Advocate, S.R.No.13784

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CP (CO)

CS/04/04/2019