

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.8046 of 2010

MP.No.2 of 2010

A.Elumalai

.. Petitioner

Vs.

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Chennai 600 009.

2. The Director General of Police,
Mylapore, Chennai -4.

3. The Additional Director General of Police,
Mylapore, Chennai- 4.

4. The Deputy Inspector General of Police,
Kancheepuram.

5. The Superintendent of Police,
Kancheepuram.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent, in G.O.(2D) No.143 Home (Police-IV) Department, dated 20.03.2009 and quash the same as illegal, ultra vires and against the principles of natural justice and directing the respondents effect payment of all arrears of increments without affecting my pension and service continuity and for such other equitable reliefs as illegal ultra vires and against the principles of natural justice.

For Petitioner : Mr.A.Prabhakaran

For Respondent : Ms.K.Bhuvaneswari, AGP

O R D E R

The petitioner by this writ petition challenging the order dated 20.03.2009 passed by the Secretary to Government, Home Department, Government of Tamil Nadu, Chennai 600 009, in G.O. (2D) No.143 Home (Police-IV) Department.

2. The facts and briefs are that a charge memo was issued from the Director General of Police under TNPSS (D&A) Rules 1955, when he was working as an Inspector of Police, B4 Baluchetty Chatiram. Enquiry under Section 17(b) was initiated against the petitioner. By an order dated 06.03.2006 the Additional Superintendent of Police, PEW, Kancheepuram was appointed as enquiry officer. Enquiry report was submitted stating all the charges were proved. On 30.03.2006, the Deputy Inspector General of Police / 4th respondent, passed the order removing the petitioner from service. Against the order of the Deputy Inspector General of Police, an appeal was preferred to the Additional Director General of Police who confirmed the order of removal from service.

3. A review was filed by the petitioner before the Director General of Police/ 2nd respondent. On 12.12.2006, the Director General of Police modified the punishment from removal from service to compulsory retirement. The petitioner thereafter filed a review petition before the State Government. The State Government issued a G.O.(2D) No.318, rejected the review petition. Aggrieved against the order, the petitioner filed a WP.no.4395 of 2008 before this Court. This Court by an order dated 30.09.2008 set aside the order of compulsory retirement and remitted the matter back for a fresh disposal on the question of punishment. On remand the impugned order has been passed.

It is this order which is challenged in the present writ petition.

4. Heard the counsel for the parties.

5. The learned counsel for the petitioner has not able to show that the order passed by the authorities below is perverse. Writ Court cannot substitute its conclusion to the one arrived by the authorities. No infirmity is found in the decision making process and the Court is satisfied that the punishment is not shockingly disproportionate. Writ Petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Pkn

Sd/-
Assistant Registrar(CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department, Government of Tamil Nadu,
Chennai 600 009.

2. The Director General of Police,
Mylapore, Chennai -4.

3. The Additional Director General of Police,
Mylapore, Chennai- 4.

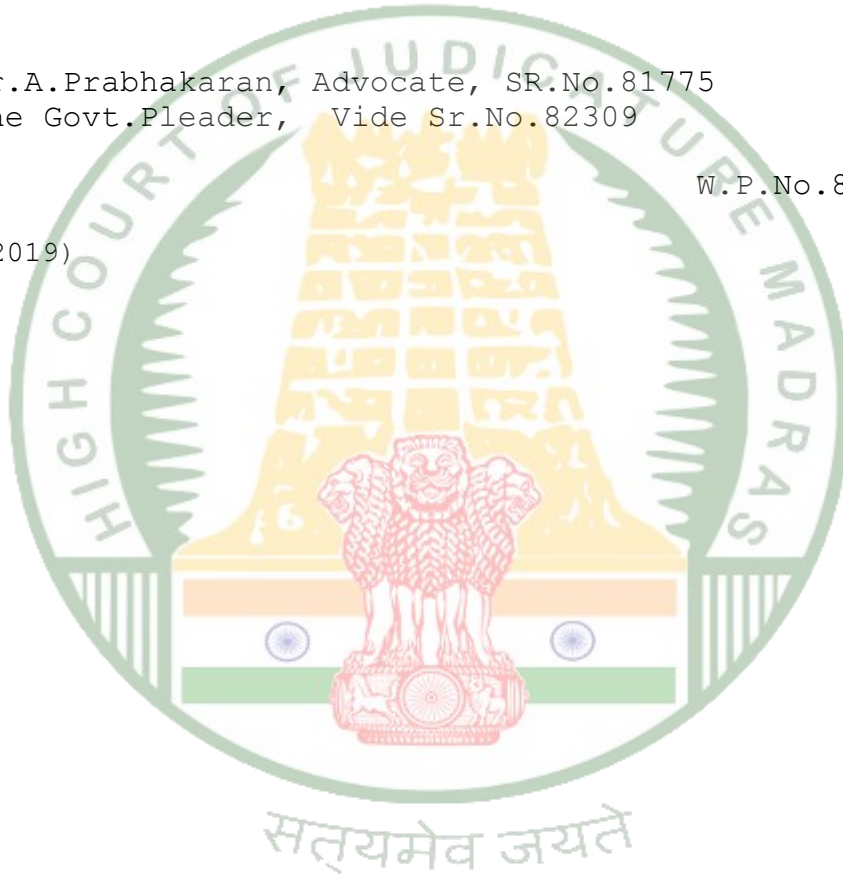
4. The Deputy Inspector General of Police,
Kancheepuram.

5. The Superintendent of Police,
Kancheepuram.

+1cc to Mr.A.Prabhakaran, Advocate, SR.No.81775
+1cc to the Govt.Pleader, Vide Sr.No.82309

W.P.No.8046 of 2010

Kak(22/10/2019)



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