

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22078 of 2019
and
W.M.P.No.21338 of 2019

R.Saravanan

... Petitioner

-vs-

1.The Superintendent of Police,
Krishnagiri District.

2.The Deputy Inspector General of Police,
Salem Range, Salem.

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent in connection with the impugned orders passed by him in C.No.P.R.137/G1/2007 dated 27.12.2007 and confirmed by the 3rd respondent in RC No.159010/AP2.(2)/2018 dated 21.11.2018 and quash the same and grant such other further relief as this Hon'ble Court may deem fit in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.Alagu Goutham

For Respondents : Mr.I.Sathish
Addl. Govt. Pleaer

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O R D E R

This Writ Petition has been filed, seeking to quash the order of the 1st respondent dated 27.12.2007 made in C.No.P.R.137/G1/2007, by which the petitioner was awarded the punishment of "reduction in the time scale of pay by three stages for three years with cumulative effect", which was confirmed by the 3rd respondent by order dated 21.11.2018 made in RC No.159010/AP2.(2)/2018.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the Respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The petitioner, working in the Police Department, has been imposed a punishment of reduction in the time scale of pay by three stages for three years with cumulative effect for deserting the force with effect from 04.07.2008 without any intimation or prior permission. The petitioner did not report for work within 21 days from the date of his absent and since he has reported for duty within the extended time of 60 days, he was reinstated into service. However, it has been charged that it is a clear misconduct in terms of 95(1) of the Police Standing Order and a detailed enquiry was conducted and punishment awarded as stated supra.

4. Even though the petitioner did not file any appeal before the Appellate Authority, challenging the order of the Disciplinary Authority, the punishment was reviewed and was accepted by the Appellate Authority. A petition was filed by the petitioner for cancellation of the punishment imposed on him and the said petition was treated as mercy petition and suitable orders were passed under Rule 15A(1)(ii) of Tamil Nadu Police Subordinate Services (D & A) Rules, 1955 by the 3rd Respondent, holding that despite opportunity of hearing being granted to him to defend the charges, no supportive documents were furnished by the petitioner to rebut the charges and to prove his innocence. It was further stated in the impugned order that the petitioner suffered 13 punishments, out of which, five punishments were for the same misconduct of desertion from duty.

5. It is pertinent to mention here that rude and dismissive behavior by the police shows a great disdain towards the public and such disrespectful behavior can potentially lead to more harmful acts against the public. The main role of a Policeman is to keep the law and order of the State under control in emergency and also to safeguard the interest of the public at large. Apart from the above, they are often used as an emergency service for ensuring public safety at large gatherings as well as in emergencies. In this case, the petitioner, who has the moral responsibility of preventing crime, himself involved in serious misconducts and therefore, his continuous disregard to duty cannot be taken slightly.

6. I must say one thing here that the petitioner should be thankful to both the Disciplinary as well as the Appellate Authorities for not imposing the major punishment of dismissal from service upon him, rather the petitioner was allowed to continue the job, pursuant to his joining duty within the

extended time. Therefore, this Court is of the view that the impugned orders dated 27.12.2007 and 21.11.2018 do not warrant any interference by this Court, as there is no perversity in the orders passed by the Respondents 1 and 3 and the Writ Petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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To:

- 1.The Superintendent of Police,
Krishnagiri District.
- 2.The Deputy Inspector General of Police,
Salem Range, Salem.
- 3.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai-4.

+lcc to Mr.M.Muthappan, Advocate, S.R.No. 65111

W.P.No.22078 of 2019

PVS (CO)
GN(09/10/2019)

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