



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.1209 of 2019

against

W.P. (MD) .No.13125 of 2011

M.Ramasamy

.. Appellant/Petitioner

Vs.

1.The Principal Secretary to Government
Home Department (Police),
Fort Saint George,
Chennai - 9.

2.The Director General of Police,
Tamil Nadu,
Chennai.

3.The Additional Director General of Police,
Law and Order,
Tamil Nadu,

4.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.13125 of 2011 dated 13.06.2019.

Prayer in WP(MD). 13125/ 2011 :

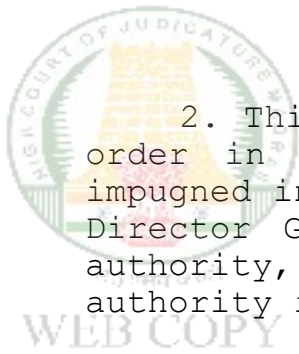
Writ Petition is filed under Article 226 of the Constitution of India, to issue a WRIT OF CERTIORARI, calling for the records pertaining to the Impugned Order passed by the 2nd Respondent herein in Ref. No.204518/AP2(1)/2009, dated 03-07-2010 and quash the same as illegal.

For Appellant : Mr.K.P.Krishna Doss
For Respondents : Mr.A.K.Baskarapandian
Spl.Govt.Pleader

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.K.P.Krishna Doss, learned counsel appearing for the appellant and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents.



2. This appeal, by the writ petitioner, is directed against the order in W.P(MD)No.13125 of 2011, dated 13.06.2019. The order impugned in the writ petition was an order passed by the Additional Director General of Police, L& O, Chennai, who is the appellate authority, who modified the punishment imposed by the disciplinary authority into one of censure.

3. The learned Single Bench has recorded the factual findings that during the course of domestic enquiry, the allegation that the appellant received bribe from the lorries passing in the National Highways was proved. Though the disciplinary authority imposed a punishment of stoppage of one increment with cumulative effect, on appeal, the Additional Director General of Police, had modified the punishment to that of censure. The correctness of the same was tested by the learned Writ Court and the order was confirmed.

4. In this appeal we find no reason to interfere with the order passed in the Writ Petition. We have also find from the impugned order that there are other observation, which in our considered opinion, was outside the lis, which was before the Writ Court. Furthermore, the Writ Petition was a service matter and not a Public Interest Litigation and therefore, we are of the view that the learned Writ Court should have avoided making general observation and direction to the Police Department.

5. We find from the impugned order that the result of the Writ Petition is contained in para 19(i). Sofar as Paragraph 19(2) to 19 (iv) we find those are all instructions and directions given to the respondents 1 and 2, which in our view, need not have been issued because, the writ petition was filed by the appellant challenging the order of punishment imposed on him. Therefore, we modify the directions by making it clear that the directions are adversarial and the same should be taken in the right spirit by the respondents 1 and 2 and ensure that appropriate action be initiated against the erring policemen.

6. With the above observation, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

MPK



To

- 1.The Principal Secretary to Government
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- 2.The Director General of Police,
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Chennai.
- 3.The Additional Director General of Police,
Law and Order,
Tamil Nadu,
- 4.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

+1 CC to SPL GP (SR-98852[F] dated 15/11/2019)

W.A. (MD)No.1209 of 2019

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VB(05.12.2019) 3P 6C