

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.869 of 2020

A.Vinayagamoorthy

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep.by its Secretary,
Home Department,
Fort St. George, Chennai 600 009.

2. The Director General of Police,
Government of Police,
Kamarajar Salai,
Chennai 600 004.

3. The Superintendent of Police,
District Police Office,
Vellore District.

....Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 04.11.2019 in G.O.(D) No.1297 and quash the same and further direct the respondents to grant the petitioner all attendant benefits within the time frame.

For Petitioner : Mr.Mukund for
M/s.Sarvabhauman Associates

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

सत्यमेव जयते
O R D E R

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the proceedings of the 1st respondent dated 04.11.2019, wherein, the 1st respondent has rejected the petition given by the petitioner to interfere with the order passed by the Director General of Police.

3. It is seen from records that the petitioner was working as a Head Constable. A charge memo came to be issued against the petitioner and an enquiry officer was appointed.

Based on the report of the enquiry officer and the explanation given by the petitioner, the 3rd respondent by his order dated 03.08.2003, imposed the punishment of reduction of pay by two stages for two years. This order was not challenged and the petitioner only filed a mercy petition before the 2nd respondent.

4. The 2nd respondent after considering the plea made by the petitioner, by proceedings dated 07.05.2018, after considering the facts and circumstances of the case, took a lenient view and modified the punishment in to that of reduction in pay for two stages by one year, which shall operate to postpone his future increments from the date of the original order.

5. As against this order passed by the 2nd respondent, the petitioner made a further representation to the 1st respondent. The 1st respondent after considering the entire facts and circumstances of the case and after considering the fact that the petitioner has not even challenged the original punishment imposed against him and after considering the fact that the 2nd respondent had already taken a lenient view and modified the punishment, proceeded to reject the representation made by the petitioner by his proceedings dated 04.11.2019. This order has now been put to challenge in this above writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

7. A reading of the order passed by the 1st respondent shows that the petitioner did not file any Appeal against the punishment imposed on him by the 3rd respondent. The petitioner only filed a mercy petition before the 2nd respondent and the 2nd respondent after taking into consideration the facts and circumstances of the case and by taking a lenient view, modified the punishment to that of reduction in pay by two stages for one year, which shall operate to postpone the petitioner's future increments from the date of original order. The 1st respondent had a very limited scope to interfere with the order passed by the 2nd respondent. It must be borne in mind that the original punishment order imposed against the petitioner has not been challenged and the 2nd respondent has only used his discretion while modifying the punishment imposed against the petitioner. The 1st respondent therefore thought it fit not to interfere with the order passed by the 2nd respondent and the 1st respondent has categorically found that a lenient view has already been taken in this regard and the punishment has been modified. This Court does not find any grounds to interfere with the order passed by the 1st respondent.

8. In view of the above, this writ petition is dismissed.
No costs.

Sd/-/-
Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai 600 009.
2. The Director General of Police,
Government of Police,
Kamarajar Salai,
Chennai 600 004.
3. The Superintendent of Police,
District Police Office,
Vellore District.

+1Cc to M/s. Sarvabhauman Associates, SRT.No.3405.
+1CC to SPL GP.SR.No.4366.

W.P.No.869 of 2020

EV (CO)
CSR: 29/01/2020

सत्यमेव जयते

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