

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

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THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No. 17370 of 2007

P.Kalaikumar
Grade II Police Constable 14596
(Removed from service)
Armed Reserve 22nd Platoon,
Chennai -600008. ..Petitioner

Vs

1 The Commissioner of Police,
Egmore,
Chennai -8

2. The Deputy Commissioner of Police,
Armed Reserve,
Chennai - 600008 ..Respondents

Prayer: Writ Petition is filed to call for the records connected with proceedings issued by Deputy Commissioner of Police Armed Reserve in his Pro.P.R.No.71/PR 3(1)/2003 and his slip order dt 18.7.2003 in SO.No.33/PR III (i)/2003 and proceedings Rc.No.Appeal/PR.No.71/PR.III(1)/2003 dt 24.8.2003 issued by Commissioner of Police Greater Chennai and quash the same consequently to direct the respondents to reinstate the petitioner in service treating the period he is out of employment as duty for all purposes.

For Petitioner : No Appearance

For Respondents : Mr. K.Magesh, Spl.GP

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O R D E R

The prayer sought for in the writ petition is to call for the records connected with proceedings issued by Deputy Commissioner of Police Armed Reserve in his Pro.P.R.No.71/PR 3 (1)/2003 and his slip order dt 18.7.2003 in SO.No.33/PR.III(i)/2003 and proceedings Rc.No.Appeal/PR.No.71/PR.III(1)/2003 dt 24.8.2003 issued by Commissioner of Police Greater Chennai and quash the same consequently to direct the respondents to

reinstate the petitioner in service treating the period he is out of employment as duty for all purposes.

2. Originally the petitioner herein has filed an Original Application in O.A. No. 3635 of 2003 before the State Administrative Tribunal. Due to abolition of State Administrative Tribunal, this Original Application was transferred to this Court and converted as Writ Petition and renumbered as W.P. No,17370 of 2007.

3. Earlier on 15.10.2020 when this matter was taken for consideration, there was no representation on behalf of the petitioner, hence posted today for final disposal. Even today none appeared for the petitioner. Heard the submissions made by the learned Special Government Pleader and perused the records.

4. The learned Special Government Pleader has submitted that the petitioner was employed as a Police Constable Grade II in Armed Reserve, Pudupet, Chennai. During his service, he contracted bigamous marriage with one Tmt.Ponmani on 20.10.2000, when his first wife Tmt Ajanda is alive and thereby violated Rule 23 of Tamil Nadu Government Servant Conduct Rules 1964. Due to the said conduct, a charge memo was issued and subsequently, charges levelled against were proved by the enquiry officer and he was removed from service. Challenging the same, the present petition is being filed.

5. Admittedly, the petitioner who was working as Grade-II Police Constable in Armed Reserve 22 Pln, Chennai City Police was charged for the offences under Rule 3 (3) (i) (i) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules 1955 for his misconduct in having contracted bigamous marriage with one Tmt.Ponmani on 20.10.2000, when his first wife Tmt Ajanda is alive. On enquiry, the charges leveled against the petitioner were proved. The Deputy Commissioner of Police, Armed Reserve/2nd respondent herein had issued orders in PR.No.71/2003, dated 31.07.2003 removing the petitioner from service w.e.f 22.07.2003 A.N. Aggrieved against the said order, the petitioner had preferred an appeal before the first respondent herein. The first respondent has confirmed the order of removal from service issued by the second respondent by observing that the delinquency of bigamous has been proved with sufficient materials on record and dismissed the appeal in Rc.No.Appeal/PR.No.71/PR.III(1)/2003, dated 24.08.2003.

6. On a perusal of the enquiry report, it clearly reveals that the petitioner has contracted bigamous marriage with one Tmt.Ponmani on 20.10.2000, when his first wife is alive and violated Rule 23 of Tamil Nadu Government Servant Conduct Rules 1964, therefore this Court finds no merits to reverse the impugned order issued by the first respondent and the prayer

sought for by the petitioner is liable to be dismissed.

7. In the result, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1 The Director of School Education (Higher Secondary)
The Commissioner of Police,
Egmore, Chennai -8

2. The Deputy Commissioner of Police,
Armed Reserve,
Chennai - 600008

+1cc to the Government Pleader SR.NO.35202

UM CO
SDR 14/12/2020

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