

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31956 of 2004

R.Shanmugam

..Petitioner

Vs

1.The Superintendent of Police,  
Nagapattinam District.

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

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorari to call for the records of the respondents in connection with the impugned order passed by the respondents 1, 2 and 3 in K2/PR.72/2000 dated 16.11.2000, C.No.D2/AP74/2001 dated 23.07.2001 and Rc.No.284205/API(3)/2002 dated 05.12.2003 respectively and quash the same.

For Petitioner : No representation

For Respondents : Mr.K.Magesh  
Special Government Pleader

सत्यमेव जयते  
O R D E R

The prayer made in this writ petition is to issue a writ of certiorari to quash the impugned orders passed by the respondents 1 to 3 in K2/PR.72/2000 dated 16.11.2000, C.No.D2/AP74/2001 dated 23.07.2001 and Rc.No.284205/API(3)/2002 dated 05.12.2003, respectively.

2. According to the petitioner, while he was working as a Sub Inspector of Police (L&O) in Pudupattinam Police Station, he was issued with a charge memo under Rule 3(a) of Tamil Nadu Police Subordinate Service (D&A) Rules on 13.04.2000, to which, explanation was submitted by the petitioner. Being dissatisfied with the same, the enquiry officer given a finding that the

charges framed against the petitioner were proved. Based on which, the first respondent by order dated 16.11.2000 passed an order imposing punishment of withholding increment for one year without cumulative effective. Aggrieved over the same the petitioner preferred an appeal before the second respondent and the same was rejected on 23.07.2001. Thereafter, the petitioner filed a petition before the third respondent and the same was also rejected on 05.12.2003. Challenging the same, the present writ petition.

3. Though the writ petition is pending from the year 2004, there is no representation for the petitioner.

4. Heard the learned Special Government Pleader for the respondents and perused the materials available on record.

5. The main grievance of the petitioner is that without considering his explanation and without affording an opportunity of personal hearing and without furnishing the enquiry report, the first respondent passed the order imposing punishment of withholding increment for one year without cumulative effective, based on the findings of the Enquiry officer. Aggrieved over the same, the petitioner preferred an appeal and the appellate authority without considering the materials dismissed the same. Thereafter, the petitioner filed a mercy petition before the third respondent and the same was also rejected by the Department. The impugned orders passed by the authorities concerned are non-speaking orders and it does not show application of mind of the authorities to the contentions raised by the petitioner. Hence the impugned orders are bad in law, which violates the principles of natural justice. The punishment imposed on the petitioner is disproportionate to the charges levelled against him and hence, the writ petition may be allowed by setting aside the order impugned herein.

6. The learned Special Government Pleader would submit that the minutes of the charge memo was issued only by the Drawing Officer, to which explanation was submitted by the petitioner. After due enquiry, the Drawing Officer found that since the charges levelled against petitioner alleging negligence during the period of his service was minor in nature and the Drawing Officer drawn the minutes that the charges framed against the petitioner were proved and filed a report. Based on which, the Disciplinary Authority passed an order imposing minor penalty of withholding increment for one year without cumulative effect.

7. On a careful reading of the entire materials, it would reveal that since it is seen in the minutes that charges levelled against the petitioner was minor in nature, there is no need to issue a charge memo instead a detailed enquiry has to be

conducted. Further, it would reveal that the minutes and charge memo were furnished to the petitioner and thereafter, only explanation was called for from the petitioner. The petitioner submitted his explanation and not being satisfied with the explanation, the Disciplinary Authority imposed minor penalty. The nature of allegations, clearly shows that it is only due to negligence on the part of the petitioner.

8. Under these circumstances, the Disciplinary Authority and Appellate Authority found that the charges levelled against the petitioner was only because of his negligence and the same were proved and there is no violation of principles of natural justice and this Court does not find any merit in this writ petition. Hence, this writ petition fails and the same is dismissed. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,  
Nagapattinam District.
- 2.The Deputy Inspector General of Police,  
Thanjavur Range,  
Thanjavur.
- 3.The Director General of Police,  
Chennai - 4.

+1 cc to The Government Pleader, Sr.No. 41323

SRII (CO)  
RMP (20/01/2021)

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