

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.11709 of 2005

N.Nagarajan

... Petitioner

Vs.

1.State of Tamil Nadu

rep. by its Secretary to Government,
Home (Police - II) Department,
Secretariat, Chennai - 9.

2.Deputy Secretary to Government,
Home (Police- IV) Department,
Secretariat, Chennai - 9.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the first respondent in G.O.(2D).No.69, Home Department, dated 19.02.2003 and the order passed by the second respondent in Government Letter No.99054/Pol.IV/2003-1, Home (Police-IV) Department, dated 21.04.2004 and quash the same.

For Petitioner : Mr.P.Murugesan
for Mr.Mani

For Respondents : Mr.K.Magesh
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in G.O.(2D).No.69, Home Department, dated 19.02.2003 and the order passed by the second respondent in Government Letter No.99054/Pol.IV/2003-1, Home (Police-IV) Department, dated 21.04.2004 and quash the same.

2. While the petitioner was working as Sub Inspector of Police, he was placed under suspension on 26.02.2000 and a charge memo was issued against him on 12.04.2000. Subsequently, the departmental enquiry was conducted and the Enquiry Officer gave his finding that the charges leveled against the petitioner were proved. Thereafter, the second show cause notice was served along with the enquiry report and the petitioner submitted his explanation and the same was not considered. Ultimately, the Disciplinary Authority has

imposed the punishment of stoppage of increment for two years with cumulative effect. Challenging the above charge memo, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner was diligent in his duties and has periodically conducted inspections and therefore, there is no negligence on the part of the petitioner. The petitioner is not solely responsible for the charges leveled against him and therefore, he is no way responsible for the same. However, the Enquiry Officer failed to consider the material facts and also the evidence of the witness and found guilt on the part of the petitioner. The enquiry report was placed before the Disciplinary Authority and though the petitioner has submitted his further representation, it was not considered by the Disciplinary Authority and order of punishment of stoppage of increment for two years with cumulative effect, was passed. Therefore, the petitioner has already suffered the punishment of disproportionate charges leveled against him and therefore, the same is liable to be set aside or otherwise atleast reduce the punishment without cumulative effect.

4. The learned Special Government Pleader appearing for the respondents would submit that the petitioner was initially appointed as Grade-II Police Constable and subsequently, promoted as Sub Inspector of Police. Further, he would submit that the petitioner failed to put down and eradicate prohibition offenders, which resulted in some illegal actions in Portnovo Police Station. Thereafter, an enquiry was conducted and the Enquiry Officer clearly found that the charges leveled against the petitioner were proved and the Disciplinary Authority after obtaining further representation and after satisfying with the report submitted by the Enquiry Officer, had imposed the punishment of stoppage of increment for two years with cumulative effect.

5. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

6. Admittedly, the petitioner was working as Sub Inspector of Police in Portnovo Police Station and there were different complaints regarding sale of illicit arrack. But the learned counsel for the petitioner would submit that the petitioner was diligent in his duties and there was no fault on his part. Thereafter, an enquiry was conducted and the Enquiry Officer after careful perusal of records has submitted the enquiry report stating that the charges leveled against the petitioner were proved and the disciplinary authority has passed the impugned order.

7. Considering the above facts and circumstances of this case, this Court does not find any merit in the writ petition and there is no violation of principles of natural justice,

hence, the same is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

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To

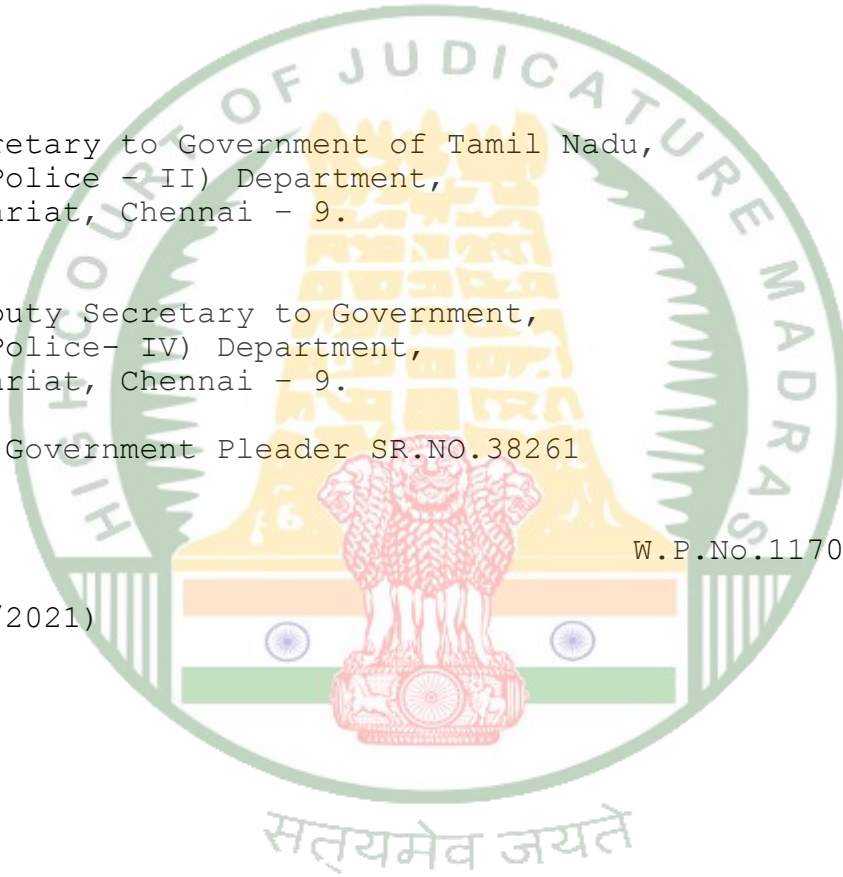
1.The Secretary to Government of Tamil Nadu,
Home (Police -II) Department,
Secretariat, Chennai - 9.

2. The Deputy Secretary to Government,
Home (Police- IV) Department,
Secretariat, Chennai - 9.

+1 C.C.to Government Pleader SR.NO.38261

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AJB (CO)
VC (22/01/2021)



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