

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14780 of 2005

G.Veeramani

.. Petitioner

-vs-

1.The Superintendent of Police,
Dharmapuri District.

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

.. Respondents

Prayer: 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 respondents in connection with the impugned orders passed by the respondent 1 and 2 in C.No.M2/P.R.8/2004 dated 14.12.2004 and RC No.B2/71/1529/2005 dated 02.03.2005 respectively and quash the same further direct the respondents to re-instate the petitioner into service with all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Magesh,
Special Government Pleader

ORDER

The petitioner has come to this Court challenging the impugned orders passed by the respondents in C.No.M2/P.R.8/2004 dated 14.12.2004 and RC No.B2/71/1529/2005 dated 02.03.2005 respectively and seeking a direction to the respondents to re-instate him in service with all consequential service and monetary benefits.

2.Learned counsel appearing for the petitioner would submit that the petitioner entered into the service as Grade II PC in the District Armed Reserve, Dharmapuri District in the year 1983. Due to his severe illness, he took leave from time to time. While so, the petitioner was served with a Charge Memo under Rule 3(b) of Tamil Nadu Police Subordinate Service (D&A) Rules in PR No.8/2004. The main allegation against the petitioner is that he has not obtained a sick passport before

entering medical leave. In this regard, the petitioner has produced number of documents regarding the treatment taken by him at various places. Disagreeing with the explanation offered by the petitioner, the disciplinary authority has held that the delinquency against the petitioner has been proved and imposed a punishment of removal from service. Hence the petitioner is before this Court seeking the above prayer.

3.Counter affidavit has been filed taking a stand in paragraph Nos.6 and 7. The same is extracted as under:

'6.It is submitted that the averments made in this para (6) The plea of the writ petitioner is not correct had he been really undergoing treatment beyond the expiry of medical leave upto 29.10.2003 nothing prevented the writ petitioner to submit the so called medical certificates before intervening period i.e. prior to his appearance before the Superintendent of Police which he did not to do so means that he somehow manage to obtain the medical certificates covering the period of desertion as already discussed in para-4. The other points raised in this paragraph is self explanatory which calls for no remarks.

(7)It is submitted that the averments made in this Para (7) The enquiry officer i.e. the Deputy Superintendent of Police Pennagaram had conducted the enquiry by following the procedure of 'Heard in person' at the request of the writ petitioner and drawn up the minute holding the charge against the delinquent as proved. The disciplinary authority and the Superintendent of Police Dharmapuri had after observing the formalities the writ petitioner was remove from service with effect from 14.12.2004.'

4.In view of the stand taken in the above paragraphs 6 and 7, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Superintendent of Police,
Dharmapuri District.

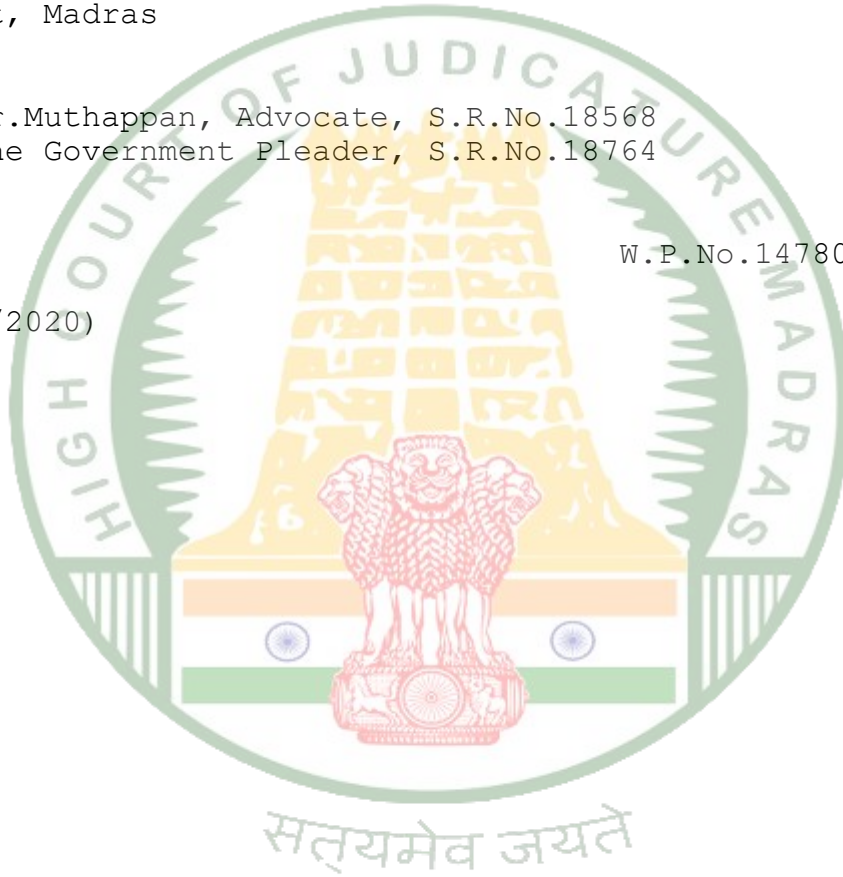
2.The Deputy Inspector General of Police,
Salem Range, Salem.

3.The Public Prosecutor
High Court, Madras

+1cc to Mr.Muthappan, Advocate, S.R.No.18568
+1cc to the Government Pleader, S.R.No.18764

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smn(29/05/2020)



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