



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.27598 of 2010
and M.P.No.2 of 2010 and M.P.No.1 of 2012

G.Perumal ... Petitioner

Vs

1. The Director General of Police,
Chennai.

2. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent in R.C.No.194558/CA1/2010 of the 1st respondent dated 25.10.2010 and quash the same as illegal and consequently, direct the respondents to consider the petitioner for appointment on compassionate grounds for a suitable post.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents: Ms.Thangavadhana Balakrishnan
Addl.G.P.

O R D E R

Challenging the order of the 1st respondent in R.C.No.194558/CA1/2010 dated 25.10.2010 thereby rejecting the candidature of the petitioner for compassionate ground appoint and to quash the same as illegal, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that the father of the petitioner late P.Gopal was employed in Police Department as Constable. He died in harness on 21.5.2003. After his death, the petitioner was directed to appear before the Selection Committee 27.10.2007 at Police Training College, Ashok Nagar, Chennai along with Original Certificates.



Accordingly, the petitioner appeared for the Certificate Verification to the post of Junior Assistant/Typist. Thereafter, by Proceedings dated 09.01.2008, the petitioner was directed to appear for physical efficiency test at Jawaharlal Nehru Outdoor Stadium, Chennai, on 09.02.2008 and the petitioner also appeared for the Physical Efficiency Test. Since no response was forthcoming, the petitioner made a representation to the respondents. By proceedings dated 29.05.2009, it was informed that the name of the petitioner was deleted from the waiting list of Junior Assistants on compassionate ground appointment for his involvement in criminal cases registered at Nagarasampatti Police Station.

3. The learned Counsel for the petitioner further submitted that during police investigation, it has come to light that the petitioner has involved in two criminal cases, namely, C.C.No.330 of 2000 and C.C.No.121 of 2003 on the file of the learned District Munsif-cum-Judicial Magistrate, Pochampalli which were ended in acquittal under Section 248(1) of Cr.P.C. by giving the benefit of doubt to the petitioner. Therefore, when the petitioner was acquitted in both the criminal cases, the respondents cannot deny the benefit of compassionate ground appointment to him. Therefore, a direction may be given for providing compassionate ground appointment to the petitioner for the post of Junior Assistant or Typist.

4. A detailed counter affidavit has been filed by the 2nd respondent.

5. Learned Additional Government Pleader appearing for the respondents submitted that since the petitioner has sought for compassionate ground appointment for Grade II Police Constable, he was directed to appear before the Selection Committee for Certificate Verification on 27.10.2007 and for Physical Efficiency Test on 09.02.2008. After completing the physical efficiency test, a Police Verification was made to find out the antecedents of the petitioner. During the course of police verification, it was found that the petitioner has involved in two criminal cases, one in C.C.No.330 of 2000 for the offences under Sections 341, 323 and 506(i) of IPC and yet another in C.C.No.121 of 2003 for the offences under Sections 448, 323 and 325 of IPC both on the file of the learned District Munsif-cum-Judicial Magistrate, Pochampalli. In both the cases, he was acquitted on the basis of the benefit of doubt. Therefore, the department has refused the prayer of the petitioner for his appointment as Grade II Police Constable in the Police Department which is meant for maintaining utmost discipline and devotion to duty.



6. This Court also finds merit in the submission made by the learned Additional Government Pleader appearing for the respondents for the reason that when the petitioner sought for appointment to the post of Grade II Police Constable on compassionate appointment, he should keep his records clean whereas he has involved not only in one criminal case but two criminal cases in C.C.No.330 of 2000 for the offences under Sections 341, 323 and 506(i) of IPC and C.C.No.121 of 2003 for the offences under Sections 448, 323 and 325 of IPC both on the file of the learned District Munsif-cum-Judicial Magistrate, Pochampalli. In the first criminal case in C.C.No.330 of 2000, by judgment dated 11.05.2001, the petitioner was acquitted by giving the benefit of doubt under Section 248(1) of Cr.P.C. Subsequently, the petitioner has involved in yet another criminal case in C.C.No.121 of 2003. In that case also the petitioner was acquitted only by giving the benefit of doubt under Section 248() of Cr.P.C. by judgment dated 22.01.2004. Therefore, this Court is not inclined to accept the case of the petitioner for appointment under compassionate ground for any post.

7. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
Chennai.

2. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

+lcc to Mr.B.Nedunchezhiyan, Advocate SR.20596
+lcc to the Government Pleader SR.20227

W.P.No.27598 of 2010

GJ(CO)
CB(10/07/2020)