

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2020

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P. No.29006 of 2010

E.Viswanathan

.. Petitioner

Vs

1.The Superintendent of Police,
Special Branch C.I.D,
Chennai 600 004.

2.The Deputy Inspector General of Police,
C.I.D (Intelligence),
Chennai-4.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records of the respondents 1 & 2 in connection with the impugned order passed by 1st respondent in SB CID PR No.4/2010 dated 01.07.2020 and C.No.169/13256/D1/SB/2010 dated 16.09.2010 and quash the same.

For petitioner : Mr.M.Muthappan

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

Challenging the impugned orders passed by the respondents in SB CID PR No.4/2010 dated 01.07.2020 and C.No.169/13256/D1/SB/2010 dated 16.09.2010, the petitioner has filed this writ petition.

2.Learned counsel appearing for the petitioner would submit that the petitioner has entered into the service as a Grade II Police Constable in the Tamil Nadu Police Battalion through a selection conducted by the Tamil Nadu Uniformed Services Recruitment Board and appointed to service on 16.04.1993. After serving TSP II Battalion, he was transferred to Armed Reserve, Thiruvallur District in the year 1998. After serving for a period of 11 years, he was repatriated to his parent unit in the

year 2010. While so, he was issued with a charge memo for the offence committed under Section 419 IPC. In this regard, the departmental enquiry was proceeded against the petitioner and the Assistant Commandant, Tamil Nadu Special II Battalion, Avadi was appointed as an Enquiry Officer to conduct the oral enquiry against the petitioner.

3. Learned counsel appearing for the petitioner would further submit that when there is no evidence let in to prove the charges levelled against the petitioner, the Enquiry Officer has given a finding that the charges levelled against the petitioner have been proved. The first respondent in his order dated 01.07.2010, agreed with the findings of the Enquiry Officer, imposed a punishment of postponement of increment for a period of two years with cumulative effect. Aggrieved by the same, the petitioner preferred an Appeal to the Deputy Inspector General of Police, CID Intelligence, Chennai, the second respondent herein, who has rejected the Appeal. Challenging the same, the petitioner is before this Court.

4. Counter affidavit has been filed by the first respondent.

5. It is an admitted case that the petitioner being a police personnel, involved himself in a criminal case registered in J1 Ponneri Police Station in Crime No.281/96 under Section 419 IPC and brought ill reputation to the police department. Moreover, the Enquiry Officer has given a finding that the charges levelled against the petitioner have been proved. Agreeing with the findings given by the Enquiry Officer, the first respondent has imposed a punishment of postponement of increment for a period of two years with cumulative effect. Confirming the same, the second respondent by an order dated 16.09.2010 rejected the appeal preferred by the petitioner. Therefore, this Court is not inclined to entertain the writ petition as it is not an Appellate Court. Accordingly, the writ petition fails and the same is dismissed. No Costs.

-s/d-

Assistant Registrar

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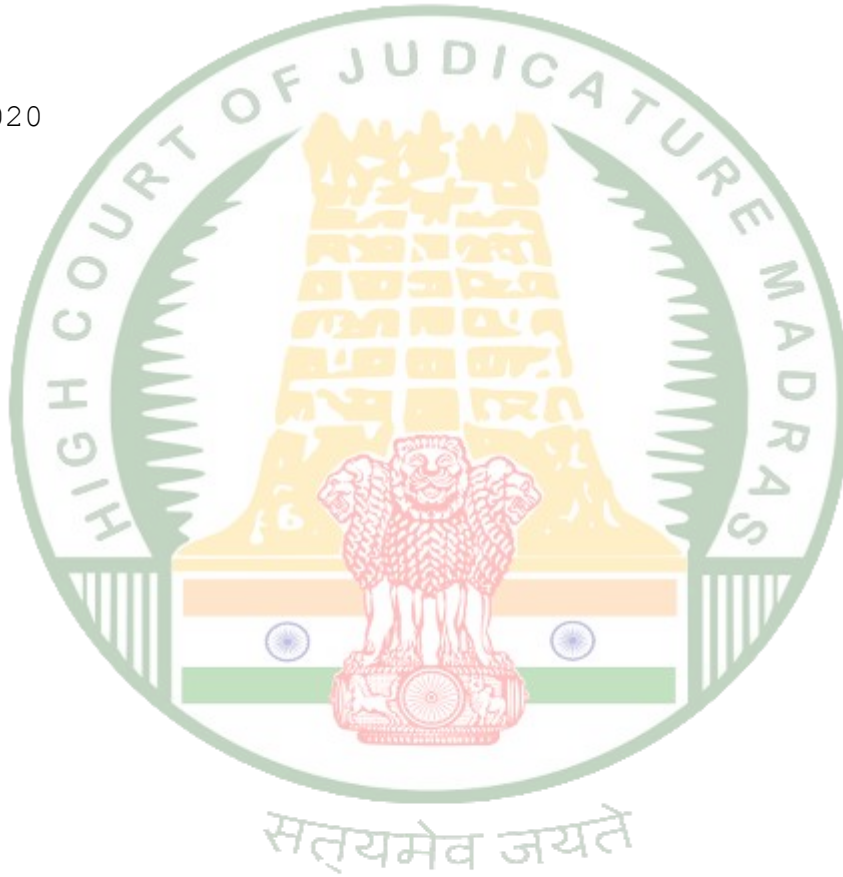
To

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2.The Deputy Inspector General of Police,
C.I.D (Intelligence),
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