

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9953 of 2005

Sunil Kumar

.. Petitioner

-vs-

The Superintendent of Police,
District Police Office,
Coimbatore District,
Coimbatore-18.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the respondent in his proceedings C.No.M2/4513/05 dated 01.03.2005 quash the same and direct the respondent to re-instate the petitioner with all attendant benefits.

For Petitioner : Mr.S.Elamurugan

For respondent : Mr.M.Dig Vijaya Pandian,
Additional Government Pleader

ORDER

Challenging the impugned proceedings C.No.M2/4513/05 dated 01.03.2005 issued by the respondent, the petitioner has come to this Court seeking a direction to the respondent to re-instate him with all attendant benefits.

2.Learned counsel appearing for the petitioner would submit that the petitioner has been appointed as a Junior Assistant on compassionate ground with effect from 06.01.2000 as per the Chief Office Memo 128740/TPB 2(1)/99 and D.O. No.2/2000 in Reference No.A2/31469/99 dated 05.01.2000 by the Superintendent of Police, Nilgiris District. While so, he was arrested on 25.01.2005 and a case in Crime No.1/2005/AC/CB under Section 7 of PC Act 1988 was registered at V & AC Coimbatore Detachment on the complaint of one A.Abdullah, an Auto Driver, followed by a

trap by V & AC, Coimbatore Detachment for having received a sum of Rs.200/- from the said Abdullah. Thereafter, the respondent herein issued the Proceedings dated 05.02.2005 calling upon the petitioner to submit his reply as to why his services should not be terminated. He acknowledged the show cause notice on 08.02.2005 and submitted his explanation dated 14.02.2005 stating that he was not guilty for the offence in the above case and he did not make any demand of money from the complainant and therefore, he requested the respondent to wait till the outcome of the criminal case. Disagreeing with the explanation offered by the petitioner, the respondent has issued the above impugned proceedings terminating the petitioner from his service.

3.I find merits on the reasons given in the impugned order. When the petitioner was appointed as a Junior Assistant on compassionate ground with effect from 06.01.2000, he was placed under suspension with effect from 25.01.2005 for having demanded and accepted a sum of Rs.200/- from the said Abdullah to process the police notice issued by the Transport Department in respect of his auto rickshaw. Subsequently, a case in Crime No.1 of 2005/AC/CB under Section 7 of PC Act 1988 was registered against the petitioner and he was arrested and remanded to judicial custody. Since the petitioner himself has involved in the above said offence, which is serious in nature, this Court finds no reason to interfere in the impugned proceedings terminating the petitioner from service. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vga
To

The Superintendent of Police,
District Police Office,
Coimbatore District,
Coimbatore-18.

copy to
The Section Officer
Writ Section
High Court Madras

+1 cc to Mr.S.Elamurugan Advocate sr18982
+1 cc to the Government pleader High Court Madras

W.P.No.9953 of 2005

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