

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.12.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WRIT PETITION NO.16967 OF 2020

AND

W.M.P.NO.21060 OF 2020

S.Rajaj

...Petitioner

-Vs-

- 1.The Inspector General of Police,
Puducherry.
- 2.The Commandant,
Indian Reserve Battalion,
Puducherry.
- 3.The Superintendent of Police,
Head Quarters,
Office of the Inspector General of Police,
Puducherry.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in connection with the order of the 2nd respondent dated 26.12.2011 dismissing the petitioner from service and quash the same and further direct the respondents to reinstate the petitioner with continuity of service, seniority and backwages and all service, pecuniary and attendant benefits.

For Petitioner : Mr.R.Srinivas
for Mythili Srinivas

For Respondent : Mr.D.Ravi Chander, AGP

ORDER

The Writ Petition is filed for the following prayer;

"to call for the records in connection with the order of the 2nd respondent dated 26.12.2011 dismissing the petitioner from service and quash the same and further direct the respondents to reinstate the petitioner with continuity of service, seniority and backwages and all service, pecuniary and attendant benefits."

2.The petitioner was working as Police Constable in the Reserve Battalion Puducherry. According to the petitioner, he was falsely implicated in 5 criminal cases of chain snatching in various Cr.Nos.266, 259, 739, 657 & 806 of 2011. In view of involvement of petitioner in Criminal cases, he was placed under suspension on 12.08.2011 and subsequently dismissed from service vide order dated 26.12.2011 by the second respondent.

3.In the dismissal order, the Disciplinary Authority has reasoned that it was not practicable for conducting full fledged enquiry and held as under;

"As in present circumstances, I am satisfied that the departmental enquiry under Rule 19 (ii) of CCS (CCA) Rules is not reasonably practicable, reasons being the delinquent Police Officer has his own influences and daredevil courage, moreover, the process of an enquiry involves witnesses that may easily be won over, especially when victim is a lady. Moreover, if the PC S.Raja is allowed to serve in the departmental, he may repeat the act and use influence that is power of State."

4.Although the above order was passed on 26.12.2011, the petitioner being aggrieved, has not chosen to file any appeal or challenge the dismissal order within a reasonable time. According to the petitioner, all the 5 criminal cases foisted against him ended in acquittal, the latest one being on 04.03.2017. Therefore he has approached this Court to set aside the order of dismissal from service dated 26.12.2011 with consequential prayer.

5.This Court finds that, except stating that all the criminal cases filed against him ended in acquittal in 2013, 2015 and 2017, nothing has been stated in the affidavit as to the reasons for not challenging the dismissal order, when the same was passed in 2011.

6.The pendency of criminal cases was not a bar to approach the Appellate Authority or to approach this Court challenging the order of dismissal. However, for undisclosed and unexplained reasons, the petitioner has not chosen to assail the order of dismissal from service. Even the reason what he stated in the affidavit appears to be not convincing, since the last of the criminal matters ended in acquittal on 04.03.2017. Even thereafter, the petitioner did not promptly approach this Court seeking any relief.

7.In the absence of any suitable explanation for approaching this Court belatedly challenging the dismissal order passed 9 years before the writ petition is hit by severe latches and such a stale claim cannot be entertained under any circumstances. This is more so when the petitioner has not chosen to adduce any reasons convincingly explaining the delay of 9 years in approaching this Court.

8.For the above stated reasons, this Court finds that the Writ Petition is hit by severe latches and the same is dismissed. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrm

To

- 1.The Inspector General of Police,
Puducherry.
- 2.The Commandant,
Indian Reserve Battalion,
Puducherry.
- 3.The Superintendent of Police,
Head Quarters,
Office of the Inspector General of Police,
Puducherry.

+1cc to Mr.Mythili Srinivas, Advocate, S.R.No.39383

+1cc to the Government Pleader, S.R.No.39266

W.P.No.16967 of 2020

NRL (CO)

KKV/05/01/2021

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