



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.22870 of 2015

A.Veluchamy

... Petitioner

vs.

- 1.The Director General of Police
Office of the Director General of Police
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 4
- 2.The Deputy Inspector General of Police
Office of the Deputy Inspector General of Police
Dindigul Range I/c Madurai Range
Dindigul District
- 3.The Superintendent of Police
Office of the Superintendent of Police
Madurai District
- 4.The Inspector of Police
Thirumangalam Town Police Station
Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.F1/Tha.Pa.76/2011 Rule 3(Aa), dated: 17.10.2012 on the file of the respondent no.3 and consequential Impugned Order in R.O.No.280/2013, C.No.A4/7557/AP/2013 dated 05.07.2013 on the file of the respondent no.2 and quash the same as illegal and consequently for a direction directing the respondent no.2 to provide notional promotion to the petitioner in the post of Special Sub Inspector of Police with effect from 01.06.2013 with all consequential monetary benefits etc., arrears of salary within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapthi Roy

For Respondents : Mr.D.Muruganandhan

Additional Government Pleader

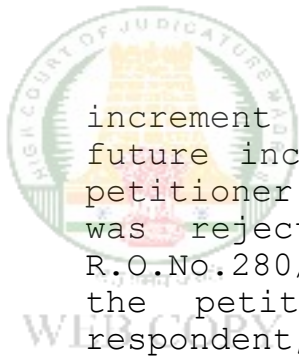


O R D E R

The above Writ petition has been filed to call for the records pertaining to the impugned order in Na.Ka.No.F1/Tha.Pa.76/2011 Rule 3(Aa), dated:17.10.2012 on the file of the respondent no.3 and consequential Impugned Order in R.O.No.280/2013, C.No.A4/7557/AP/2013 dated 05.07.2013 on the file of the respondent no.2 and quash the same as illegal and consequently for a direction directing the respondent no.2 to provide notional promotion to the petitioner in the post of Special Sub Inspector of Police with effect from 01.06.2013 with all consequential monetary benefits etc., arrears of salary within the time stipulated by this Court.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as Grade II Constable and on 28.09.1999 he got promotion as Grade-I Constable. Thereafter, he was promoted as Head Constable on 01.06.2003. Now, the petitioner is working as Special Sub-Inspector of Police at Avaniyapuram Police Station, Madurai District from 16.06.2015. He is serving in the police department for the past 27 years without any blemish. In this circumstance, on 18.12.2010, a case was registered in Crime No.686 of 2010 for the offence punishable under Section 465 I.P.C alleging that the signature of one Women S.I. of Police Tmt. Antony Jegatha was forged on the charge sheet in Crime No.39 of 2010 of the fourth respondent Police Station for the offence under Sections 147, 148, 324 and 506(ii) I.P.C. Based on the said criminal case, the petitioner was suspended from service on 19.12.2010 by the third respondent. The respondent No.4 in his report dated 18.12.2010 has clearly stated that there are some slight difference in the signature, but could not confirm that the same belonged to the petitioner. He stated that after getting opinion from the Hand Writing Expert, enquiry will be conducted.

3.The learned counsel for the petitioner further submitted that on 28.08.2011, the Deputy Superintendent of Police, Thirumangalam had conducted preliminary enquiry in this issue and submitted a reported , in which, he has stated that there is nothing to prove that the petitioner had enjoyed any pecuniary benefits. Though there is no change in the original charge sheet, neither the section of law nor the list of witnesses were altered, the Deputy Superintendent of Police has recommended for taking departmental action. The petitioner is only assisting the investigating officer in maintaining case diaries and preparing of charge sheets. The petitioner had also requested the third respondent to proceed against him after completion of the criminal case. Subsequently on 01.11.2011, the third respondent revoked the petitioner's suspension. On 17.10.2012, the third respondent passed an impugned order in Na.Ka.No.F1/Tha.Pa.76/2011 Rule 3(Aa) dated 17.10.2012 under rule 3(b) of Tamil Nadu Special Police Subordinate Service Rules, 1978 a punishment stating that " postponement of next



increment for one year which shall not operate to postpone his future increments of one year". Against which, on 05.07.2013, the petitioner preferred an appeal before the second respondent and that was rejected by the second respondent by his proceedings in R.O.No.280/2013, C.No.A4/7557/AP/2013, dated 05.07.2013. Thereafter, the petitioner preferred a Mercy Petition before the first respondent, requesting to revoke the said punishment order, dated 17.10.2012 and that was also dismissed on 17.10.2013.

4.At this juncture, the learned Additional Government Pleader appearing for the respondents would submit that the criminal case in Crime No.686 of 2010 which was registered against the petitioner has been Action Dropped for further proceedings under Section 468 of Cr.P.C by the fourth respondent after elaborate enquiry and the same was produced before the Judicial Magistrate Court, Thirumangalam in R.C.S.No.315/ 2014.

5.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6.Perusal of record shows that a case was registered against the petitioner in Crime No.686 of 2010 alleging that giving forgery signature of one Women S.I. of Police Tmt. Antony Jegatha on the charge sheet of respondent No.4 Police Station in Crime No.39 of 2010 for the offence under Sections 147, 148, 324 and 506(ii) I.P.C. Based on that he was suspended from service on 19.12.2010 by the third respondent. The respondent No.4 in his report dated 18.12.2010 has clearly stated that there are some slight difference in the signature, but could not confirm that the same belonged to the petitioner. Thereafter, on 28.08.2011, the Deputy Superintendent of Police, Thirumangalam had conducted preliminary enquiry in this issue and submitted a report that there is nothing to prove that the petitioner had enjoyed any pecuniary benefits. However, he has recommended for taking departmental action. Subsequently on 01.11.2011, the third respondent revoked the petitioner's suspension. On 17.10.2012, the third respondent passed an impugned order that "postponement of next increment for one year which shall not operate to postpone his future increments of one year". Against which, the petitioner preferred an appeal before the second respondent and that was rejected by the second respondent. Thereafter, he preferred a Mercy Petition before the first respondent, requesting to revoke the said punishment order, dated 17.10.2012 and that was also dismissed. Perusal of record shows that the action was dropped based on the report sent by the fourth respondent wherein it has been stated that there is no allegation reveals against the petitioner and there is no *prima facie* case made out against the petitioner.

7.In view of the above, the Writ petition is allowed and the orders passed by the respondents, dated 17.10.2012 and 05.07.2013 are set aside. As far as promotion is concerned, the petitioner



shall give representation and the same shall be considered by the respondents on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is entitled for monetary benefits, if any. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Director General of Police
Office of the Director General of Police
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 4
- 2.The Deputy Inspector General of Police
Office of the Deputy Inspector General of Police
Dindigul Range I/c Madurai Range
Dindigul District
- 3.The Superintendent of Police
Office of the Superintendent of Police
Madurai District
- 4.The Inspector of Police
Thirumangalam Town Police Station
Madurai District.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-4157[F]

+1 CC to M/s.Special Govt.Pleader (SR-4299[F]

W.P. (MD) No.22870 of 2015

30.01.2020

msa

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