



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO. 8353 OF 2010

R.Chandrasekaran

..Petitioner

Vs

1.The Principal Secretary,
Tamil Nadu Government,
Secretariat,
Chennai-600009.

2.The Chief Secretary,
Tamil Nadu Government,
Secretariat,
Chennai-600009.

3.The Director General of Police,
Chennai - 600004.

4.The Superintendent of Police,
Tiruvarur District, Tiruvarur.

5.The Superintendent of Police,
Perambalur District,
Perambalur.

6.The Commissioner for Disciplinary Proceedings,
No. 13, Sethurman Pillai Colony,
T.V.S. Toll gate, Tiruchirapalli

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorari Mandamus, calling for the records from the respondent and to quash the impugned Charge Memo No.R.C.A.1/56/2000 dated 26.07.2000 passed by the sixth respondent and the impugned penalty order No. G.O. (D) No. 625 dated 16.07.2009 passed by the 1st respondent and to direct the respondent to consider the case of the petitioner for promotion to the cadre of Head Constable, Sub Inspector and Inspector on par with his juniors and to grant all consequential benefits.



For Petitioner : Ms.Abinaya Prabha

For Respondents : Mr.T.Arun Kumar, AGP

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ORDER

Challenging the impugned Charge Memo No.R.C.A.1/56/2000 dated 26.07.2000 passed by the sixth respondent and the impugned penalty order No. G.O. (D) No. 625 dated 16.07.2009 passed by the 1st respondent, the present writ petition is filed seeking direction to the respondents to consider the case of the petitioner for promotion and consequential benefits.

2. The writ petitioner had joined as Grade II Constable on 01.08.1984 and served in various police stations at Tiruvarur District & Jayamkondam Taluk and promoted as Grade I Constable. While the petitioner was serving at Vikramangalam Police station, based on the complaint given by Magudapathy, Packirisamy and Ragupathy alleging demanding bribe for not to take action on the complaint received against them. Due to the same, Disciplinary proceedings were initiated against the petitioner and other police officials of the station for having failed to maintain integrity and devotion to duty and thereby contravened Rule 24 of the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964. Disiplinary proceedings were initiated by the 6th respondent and proved and awarded with a punishment of postponement of increment of one year with cumulative effect. Consequent to the penalty order, the 4th respondent has passed orders postponing the annual increment of the petitioner for one year with cumulative effect. The petitioner has made representation to the 4th respondent, requesting for promotion to the cadre of Head Constable on par with his juniors and to pay arrears and other allowances with retrospective effect. The said representation was rejected by the 4th respondent, hence challenging the punishment awarded by the respondents, present writ petition is filed.

3. The learned counsel for the petitioner submitted that based on the allegations that the petitioner and 5 other police officials demanded and received the bribe for not taking action on the complaint received against the Magudapathy, Packirisamy and Ragupathy, charged were framed against the petitioner and other police personnel. The learned counsel for the petitioner further submitted that based on the complaint, charged were framed and enquiry was conducted and based on the enquriy report, punishment was imposed as against the aforesaid police personnel viz., N.Kalyanasundaram, Inspector of Police, 2. T.Selvaraj, HC, 3.R.Chandrasekaran, PC, 4.S.Ammanullah, SSI, 5. S.Ignatious, HC and 6.K.Kasinathan, HC.



4. The learned counsel for the petitioner submitted that the 1st respondent had taken four years to decide and issue show cause notice for imposition of the penalty to the petitioner. If the 1st respondent had issued the said show cause notice immediately within the fixed time of one month on getting disciplinary proceedings, the petitioner could have got opportunity to make his representation early and could have got punishment of one year increment w.e.f 01.01.2004 and could have completed the punishment period in 2005 and would have got promotion. Therefore, it is contended by the learned counsel for the petitioner that the total violation was on the part of the respondent, therefore, the impugned punishment order is liable to be quashed.

5. The learned Government Advocate has submitted that based on the evidence and witnesses, charges were proved and the report has been submitted by the enquiry officer and the punishment came to be imposed on the petitioner and other police persons. The learned Government Advocate has also submitted the details of the punishment imposed on the said police personnel as below;

Sl. No	Name and Rank	Punishment
1	N.kalyanasundaram, Inspector of Police	Postponement of increment for a period of six months with cumulative effect
2	T.Selvaraj, HC	Postponement of increment for a period of one year with cumulative effect
3.	R.Chandrasekaran, PC	Postponement of increment for a period of one year with cumulative effect
4	S.Ammanullah, SSI (Retd)	Cut in pension of Rs.400/- for a period of one year
5.	S.Ignatious, HC (Retd)	Cut in pension of Rs.500/- for a period of six months
6.	K.Kasinathan, HC (Retd)	Cut in pension of Rs.500/- for a period of six months.

6. Though the main ground raised by the petitioner that due to the delay in concluding the enquiry proceedings, his promotion was delayed, it is stated in the counter affidavit that the delay in completion of enquiry by the Commissioner for Disciplinary Proceedings was due to the non-cooperation on the part of the petitioner and not on the respondents.



7. At this juncture, the learned counsel for the petitioner has brought to the notice of this Court that after completion of punishment period, the petitioner was promoted to the post of Head Constable w.e.f. 01.04.2011 and subsequently, he was allowed to retire from service on attaining the age of superannuation on 30.04.2015.

8. In view of the submissions made by the learned Government Advocate and the statement made in the counter affidavit, it is clear that there is no violation on the part of the respondents in concluding the disciplinary proceedings as contended by the learned counsel for the petitioner. Furthermore, the petitioner was also given promotion after the punishment period and allowed to retire on superannuation.

9. In view of the foregoing discussions, this Court finds no merits in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Secretariat,
Chennai-600009.
2. The Chief Secretary
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Chennai-600009.
3. The Director General of Police,
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6. The Commissioner for Disciplinary Proceedings,
No. 13, Sethurman Pillai Colony,
T.V.S. Toll gate, Tiruchirapalli.

+1cc to M/s.A.Rajaram, Advocate, S.R.No.60229

+1cc to the Government Pleader, S.R.No.60308

W.P.No. 8353 of 2010

KSM(CO)

RLP(06/12/2021)