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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.23357 of 2018
(Through Video Conferencing)

E.Ilaiyaraja

...Petitioner

vs

1. State of Tamilnadu rep.by its Secretary,
(Home , Police-III) Deaprtment,
The Secretariat, Chennai-9.
2. The Addl.Director General of Police,
Dr.Radhakrishnan Road,
Chennai-4.
3. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.
4. The Superintendent of Police,
Villupuram District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for records and quashing the impugned order of 1st respondent vide G.O.(D)No.122 dated 31.01.2018 Home (Pol.IV A) Department confirming the order of punishment of postponement of increment for three years with cumulative effect passed by the 3rd respondent vide his order dated 28.07.2014 and consequently direct the 2nd respondent to grant proper seniority to the petitioner with all attendant benefits within time frame.

For Petitioner : M/s.K.Ravi Anantha Padmanaban
For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate.



O R D E R

The petitioner was serving as Grade-II Police Constable. The petitioner participated in the direct recruitment for the post of Sub-Inspector of Police on 01.02.2011. During the interregnum, he was involved with a lady belonging to the same community. However, the relationship did not result in a matrimony between them. The lady lodged a complaint before the Superintendent of Police, Kancheepuram against the petitioner for allegedly deceiving her.

2. A disciplinary proceedings was initiated against the petitioner which culminated in a punishment of "Compulsory Retirement from services" after the petitioner was recruited as a Sub-Inspector of Police on 01.02.2011.

3. Challenging the said punishment, the petitioner had preferred an appeal before the 2nd respondent viz., Additional Director General of Police on 11.07.2013 and prayed for cancellation of punishment of "Compulsory Retirement" imposed on the petitioner.

4. The above said punishment was set aside the order of the 3rd respondent vide order dated 17.07.2014, with a liberty to pass afresh order which could be implementable. The petitioner was later awarded within the punishment of "Postponement of his next increment for a period of three years which shall operate to postpone his future increments" and was taken back into service with immediate effect by the 3rd respondent, the Deputy Inspector General of Police, Villupuram vide proceedings dated 28.07.2014.

5. Aggrieved by the said order, the petitioner filed a mercy petition before the 1st respondent. Vide G.O.(2D) No.122, Home (Pol.IVA) Department, dated 31.01.2018 the 1st respondent confirmed the orders of the 2nd and 3rd respondents and thus rejected P.R.No.13 of 2013.

6. It is the case of the petitioner that the punishment imposed on the petitioner was nothing but a harassment. It is the petitioner's batchmate were given promotion whereas the petitioner was left behind. It is the case of the petitioner that the defacto complainant (lady) has also settled in matrimony. A copy of the marriage invitation was filed to substantiate the same. It is submitted that based on the complaint of the lady, the third respondent issued a Charge Memo dated 14.03.2013 to the petitioner. The Enquiry Officer gave a finding that the charges were proved against the petitioner. The Disciplinary Authority viz., the 3rd respondent, the Deputy Inspector General of Police, Villupuram



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had thereafter imposed the impugned punishment of " Punishment of his next increment for three years." The 4th respondent Superintendent of Police, implemented the order by reinstating the petitioner back to service.

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13. The petitioner has not shown if there was any material irregularity in the procedure adopted by the respondents which rejecting either the petitioner's appeal or mercy petition. The petitioner has also not denied the fact that he was involved with the lady. The punishment imposed is also not disproportionate for the misconduct committed by the petitioner.

14. Consequently, the lesser punishment awarded on the petitioner cannot be interfered . The petitioner has also not shown any remorse during the disciplinary proceeding. Rather he has been unrepentive for the disgrace brought to the service by indulging in a false promise to marry a person while in uniformed service. There is no merits in this writ petition. It deserves to be dismissed and it is accordingly dismissed. No Costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
(Home , Police-III) Deaprtment,
The Secretariat, Chennai-9.
2. The Addl.Director General of Police,
Dr.Radhakrishnan Road,
Chennai-4.
3. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.
4. The Superintendent of Police,
Villupuram District.

+1 CC to M/s.K.Ravi Anantha Padmanaban, Advocate sr 49171
+1 CC to The Government Pleader sr 49792.

W.P. No.23357 of 2018

AD(CO)
SP(09/11/2021)