



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.684 of 2021

and

C.M.P. (MD)No.2965 of 2021

- 1.The Director General of Police,
Mylapore, Chennai - 600 004.
- 2.The Deputy Inspector General of Police,
Thanjavur Range, Thanjavur.
- 3.The Superintendent of Police,
Thanjavur District, Thanjavur. ... Appellants

Vs.

R.Thirugnanam (died),
Ex. Police Constable No.625,
Thanjavur District.

Kousalya, W/o.Thirugnanam ... Respondents

Prayer:- Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD)No.2956 of 2010, dated 02.03.2020.

Prayer in WP(MD). 2956 of 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records on the file of the 2nd & 3rd Respondents in connection with the impugned orders passed in C.No.B2/3080/2009, dated 08-09-2009 and Na.Ka.No.K4/Tha.Pa.70/2006, dated 02-03-2007 repectively and quash the same as illegal and consequently direct the Respondents to reinstate the petitioner with all back wages within the time limit that may be stipulated by this Honourable Court.

For Appellants : Mr.K.P.Krishnadoss
Special Government Pleader



JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Writ Appeal has been preferred by the appellants aggrieved over the order of the learned Single Judge, who after finding that the punishment imposed is disproportionate, was pleased to modify it from dismissal to compulsory retirement.

2.Though the learned Special Government Pleader appearing for the appellants submitted that the learned Single Judge ought not to have gone into the merits, the factors, such as, the witnesses turning hostile and lack of adequate evidence were taken into consideration apart from violation of principles of natural justice.

3.In the case on hand, the delinquent died and therefore, the Writ Petition itself has been filed by his wife. Thus, taking into consideration the same, the learned Single Judge has rightly modified the punishment. The charge itself is one of attending the work in a drunken mood. In any case, we are of the view that the learned Single Judge is right in holding that the punishment imposed is disproportionate.

4.Considering the above said facts, we do not find any reason to interfere with the order of the learned Single Judge. Hence, this Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director General of Police,
Mylapore,
Chennai - 600 004.



2.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.

3.The Superintendent of Police,
Thanjavur District,
Thanjavur.

+1 CC to M/s.SPL GP (SR-13887[F] dated 26/03/2021)

W.A. (MD) No. 684 of 2021
25.03.2021

TP (CO)
TR(23.04.2021) 3P 5C