



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.7969 of 2021
and
W.M.P(MD)No.6080 of 2021

G.Abdul Khadar Ibrahim

... Petitioner

vs.

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Deputy Commissioner of Police,
Armed Reserve,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.T2(1)/Ta.Pa.No.54/2020/Rule 3(b) dated 17.07.2020 on the file of the second respondent and the consequential impugned order in Na.Ka.No.T2(1)/Ta.Pa.54/2020 Rule 3(b) dated 23.03.2021 on the file of the second respondent and quash the same.

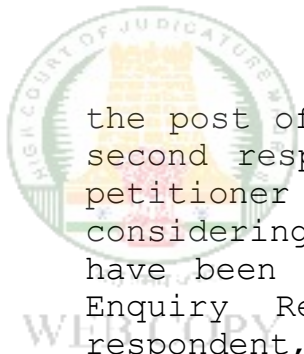
For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

This Writ Petition is filed seeking for a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.T2(1)/Ta.Pa.No.54/2020/Rule 3(b), dated 17.07.2020, on the file of the second respondent and the consequential impugned order in Na.Ka.No.T2(1)/Ta.Pa.54/2020 Rule 3(b) dated 23.03.2021 on the file of the second respondent and quash the same.

2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents.

3.According to the petitioner, he was appointed in the post of Grade II Police Constable on 14.03.2009 and thereafter, promoted to



the post of Grade I Police Constable in the year 2019. While so, the second respondent issued the charge memo, dated 17.07.2020 and the petitioner submitted his explanation. The Enquiry Officer, without considering the oral and documentary evidence, held that the charges have been proved, vide proceedings, dated 30.01.2021. Based on the Enquiry Report submitted by the Enquiry Officer, the second respondent, vide order dated 23.03.2021, has issued the consequential impugned order of punishment of "postponement of next increment for a period of three years which shall operate to postpone his future increments". Challenging the impugned orders passed by the second respondent, dated 17.07.2020 and 23.03.2021, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the impugned order has been passed relying on the report of the Officers from IS and SIC and without furnishing the report to the petitioner, the impugned orders have been passed and prayed for setting aside the impugned order of punishment.

5.The learned Special Government Pleader appearing for the respondents submitted that the petitioner has an alternative appeal remedy and it is for him to file an Appeal and prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

7.Considering the fact that against the orders passed by the second respondent, appeal remedy is available and without exhausting the appeal remedy, the petitioner has straight away approached this Court by way of filing the present Writ Petition. Hence, this Writ Petition is not maintainable and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. It is open to the petitioner to file appeal, if he is so advised. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar

// 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 Commissioner of Police,
Madurai City,
Madurai.
2. The Deputy Commissioner of Police,
Armed Reserve,
Madurai City.

+1 CC to SPL GOVERNMENT PLEADER (SR-16483[F] dated 19/04/2021)
+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-16397[F] dated 19/04/2021)

W.P(MD)No.7969 of 2021 and
W.M.P(MD)No.6080 of 2021
17.04.2021

PS

TE : 24/05/2021 : 3P/5C