



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2021

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.A. (MD)No.475 of 2020

and

C.M.P. (MD)No.3404 of 2020

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Home (SC) Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director General of Police,
Tamil Nadu, Chennai.
- 3.The Commissioner of Police,
Madurai City.
- 4.The Deputy Commissioner of Labour (Traffic),
Madurai City, Madurai.
[The correct cause title as per the Writ Petition papers is,
The Deputy Commissioner of Police [Traffic],
Madurai City, Madurai. ... Appellants/Petitioners

Vs.

- 1.M.C.Pandi ...1st Respondent/Writ Petitioner
- 2.Fathima Beevi,
The Enquiry Officer,
Assistant Commissioner of Police (Crime),
Thallakulam, Madurai. ... 2nd Respondent/5th Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.9590 of 2014, dated 17.02.2020.

Prayer in WP(MD). 9590/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the 3rd respondent in Na.Ka.NO.D1(3)/Tha. Pa.No.103/2009, dated 15.9.2011 and in Na.Ka.NO.D1(3)/Tha. Pa.NO.103/2009, Police office order no.1901/2011, dated 21.11.2011 and the proceedings of the 2nd respondent in Rc.No.116981/AP 2(3)/



2012, dated 14.4.2014, quash the same and direct the respondents 2 and 3 to reinstate the petitioner into services with all attendant benefits.

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

For R1 : Mr.M.Ajmalkhan
Senior Counsel
for Mr.V.Balasubramanian

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J U D G M E N T

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

This Writ Appeal has been preferred by the appellants against the order of the learned Single Judge, who while setting aside the order passed by the appellate authority and the reviewing authority, restored the one passed by the disciplinary authority.

2.The issue is with respect to receiving of money for leaking out the question paper by supplying the same to the prospective candidates. Respondent No.1 was working as Head Constable. Both the criminal case and the departmental enquiry were initiated against 61 persons, who were holding different ranks. Respondent No.1 herein was however, not made as an accused while proceeded with departmentally.

3.The disciplinary authority, pursuant to the enquiry report, held that the charges are proved and imposed a punishment of reduction of pay by one stage with cumulative effect. The appellate authority while confirming the said order, invoked Rule 15-A of the Tamil Nadu Police Subordinate Service [Discipline and Appeal] Rules [hereinafter referred to as 'the Rules'], seeking to enhance the punishment. Accordingly, the order of dismissal was passed. The reviewing authority has modified the same into one of compulsory retirement. The learned Single Judge while setting aside the order of the appellate authority and reviewing authority, has not assigned any reason for restoring the order of the original authority. Challenging the same, the present writ appeal has been filed.

4.On the last two hearings, we adjourned the matter upon hearing the counsels appearing for the parties, so as to get instructions from the appellants on the submissions made by the learned Senior Counsel appearing for respondent No.1/writ petitioner, by placing reliance upon the typed set of papers, that a lesser punishment such as, reduction in pay by one stage with cumulative effect was imposed against the similarly placed erring officials. The learned Special Government Pleader appearing for the appellants today submitted that he is not in a position to get instructions in this regard. He is also not in a position to make any statement on the documents filed by the learned Senior Counsel



appearing for respondent No.1/writ petitioner.

5.Considering the submissions made by the learned counsel on either side and also the materials available on record, we are inclined to confirm the order of the learned Single Judge on more than one ground. The learned Single Judge, on fact, found that no reason has been assigned while exercising Rule 15-A of the Rules. Article 14 of the Constitution of India would certainly come into play when similarly placed persons involved in similar charges proved are imposed with lesser punishment. The learned Special Government Pleader appearing for the appellants is unable to get instructions on the assertion made by the learned Senior Counsel appearing for respondent No.1/writ petitioner. Therefore, on both grounds, we are inclined to dismiss the writ appeal. Further, we do not find any error in the order passed by the learned Single Judge warranting interference by this Court. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

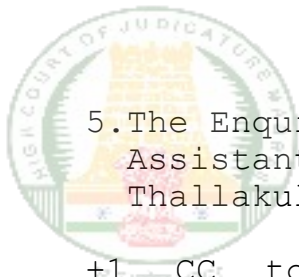
Sub Assistant Registrar(CS)

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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 Principal Secretary to Government of Tamil Nadu,
Home (SC) Department,
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Chennai - 600 009.
- 2.The Director General of Police,
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- 3.The Commissioner of Police,
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- 4.The Deputy Commissioner of Police (Traffic),
Madurai City,
Madurai.



5.The Enquiry Officer,
Assistant Commissioner of Police(Crime),
Thallakulam, Madurai.

+1 CC to M/s.V.BALASUBRAMANIAN, Advocate (SR-9396[F] dated
08/03/2021)

+1 CC to M/s.SPL GP (SR-9705[F] dated 09/03/2021)

W.A. (MD) No. 475 of 2020
08.03.2021

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