



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.9843,9941 & 9957 of 2021

and

W.M.P(MD) Nos.7573 & 10107 of 2021 in

WP(MD)No.9843 of 2021

and

W.M.P(MD)No.7652 of 2021

in WP(MD)No.9941 of 2021

and

W.M.P(MD)No.7653 of 2021

in WP(MD)No.9957 of 2021

K.Pondevi

...Petitioner in

WP(MD) No.9843 of 2021

M.Jerome Jones

...Petitioner in

WP(MD) No.9941 of 2021

D.Rubin Jaya Thilak

...Petitioner in

WP(MD) No.9957 of 2021

Vs.

1.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.

2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

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

...Respondents in

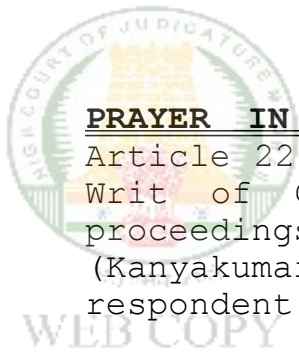
WP(MD) No.9843 of 2021

The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

...Respondent in

WP(MD) Nos.9941 & 9957 of 2021

PRAYER IN WP(MD) No.9843 of 2021:Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in Na.Ka.No.B1/1229/2021,dated 07.05.2021, on the file of the 2nd respondent herein and to quash the same.



PRAYER IN WP(MD) No.9941 of 2021:Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in Na.Ka.No.B1/1229/2021-2, Ta.Pa.No.65/2019/rule3(b) (Kanyakumari District), dated 07.05.2021, on the file of the respondent herein and to quash the same.

PRAYER IN WP(MD) No.9957 of 2021:Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.B1/1229/2021-1, Ta.Pa.No.64/2019/rule3 (b) (Kanyakumari District), dated 07.05.2021, on the file of the respondent herein and to quash the same.

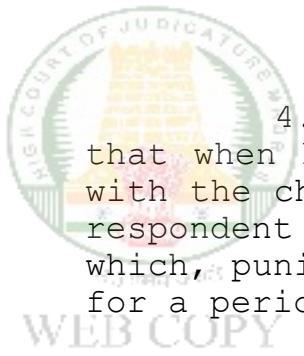
For Petitioners	:Ms.P.Jessi Jeeva Priya
For Respondents	:Mr.S.Shaji Bino Special Government Pleader (in all Writ Petitions)

C O M M O N O R D E R

These writ petitions are filed as against the orders of punishment imposed by the second respondent.

2.The case of the petitioner in WP(MD) No.9843 of 2021is that when she was working as Inspector of Police at Karungal Police Station, she was placed under suspension by the first respondent vide proceedings C.No.C1/10168/2019, dated 15.10.2019, for having reprehensible conduct in connection with Crime No.391 of 2019 registered, for the offences punishable under Sections 147, 148, 364 (A), 342, 294(b), 323, 387, 379 & 206(ii) IPC. Subsequent to that, charge memo was also issued to her. Pending enquiry, the suspension order was revoked by the first respondent in his proceedings C.No.C1/10168/2019 dated 22.10.2020. She was transferred and posted to Prohibition and Enforcement Wing, Ramanathapuram Unit, Ramanathapuram District. She submitted a detailed explanation. After conducting enquiry, the second respondent passed an order by his proceedings in Na.Ka.No.B1/1229/2021, dated 07.05.2021, imposing a major punishment of Reduction in rank by the stage from the post of Inspector of Police to Sub-Inspector of Police, for a period of three years to be spent on duty.

3.The case of the petitioner in WP(MD) No.9941 of 2021is that when he was working as Inspector of Police at Karungal Police Station, he was issued with the charge memo on 07.12.2019. After conducting an enquiry, the respondent has issued the impugned order, dated 07.05.2021, in which, punishment of reduction of rank to the post of Grade I Police Constable for a period of three years has been imposed on him.



4.The case of the petitioner in WP(MD) No.9957 of 2021 is that when he was working in Karungal Police Station, he was issued with the charge memo on 07.12.2019. After conducting an enquiry, the respondent has issued the impugned order, dated 07.05.2021, in which, punishment of reduction of rank to the post of Head Constable for a period of three years has been imposed on him.

5.Challenging the orders of punishment, the petitioners are before this Court with these present Writ petitions.

6. This Court entertained all the writ petitions. Interim order of stay was granted to the petitioner in WP(MD) No.9843 of 2021. The respondent moved an application to vacate the interim order, on the ground that when appeal remedy is available to the petitioners, without invoking the appeal remedy, the petitioners have filed these writ petitions.

7.This Court is satisfied with the submission made by the learned Special Government Pleader. This Court is justified in invoking its extraordinary jurisdiction under Article 226 of Constitution of India, if there is no other alternative remedy. When appeal remedy is available to the petitioners, it is open to the petitioners to file an appeal before the Appellate Authority.

8.The petitioners shall file an appeal within 10 days from the date of receipt of a copy of this order. On filing such an appeal, the Appellate Authority shall dispose of the same within three months from the date of filing of appeal. The interim order granted by this Court WP(MD) No.9843 of 2021 on 04.06.2021, shall continue for a period of 10 days alone.

9 With the above directions, these writ petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.

2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

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

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-37290[F]
dated 03/12/2021)

+1 CC to M/s.SPL GP (SR-37032[F] dated 02/12/2021)

Common Order made in
W.P(MD) No.9843,9941 & 9957 of 2021

and
W.M.P(MD) Nos.7573,7652,7653 & 10107 of 2021
01.12.2021

NA (CO)

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