



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)Nos.1048 and 1081 of 2020

C.M.P. (MD) Nos.5757 and 5898 of 2020

- 1.The Additional Chief Secretary to Government,
Home Department of Tamil Nadu,
Secretariat,
Chennai.
- 2.The Director General of Police,
Tamilnadu,
Chennai - 4.
- 3.The Deputy Inspector General of Police,
O/o. Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.
- 4.The Superintendent of Police,
O/o.Superintendent of Police,
Tirunelveli District,
Tirunelveli. ... Appellants/Respondents in both appeals

Vs.

- I.Jamal ... Respondent/Writ Petitioner in W.A.
(MD) No.1048 of 2020
- V.Murugan ... Respondent/Writ Petitioner in W.A.
(MD) No.1081 of 2020

Common Prayer : Writ Appeals filed under Clause 15 of the Letters Patent Act against the common order passed by this Court in W.P.(MD) Nos.21111 and 20750 of 2018, dated 05.11.2019.

Prayer in WP(MD). 21111/ 2018 and WP(MD).No.20750/2018

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 records on the files of the 1st respondent pertaining to its orders bearing G.O.(2D) No.278 Home (Police-2) Department dated 06.09.2017 and the subsequent order in GO (D) No.539 Home (POL-IV) Department dated 21.05.2018 and to quash the same and consequently direct the respondents to reinstate the petitioner with continuity of service with all attendant service at monetary benefits, within a time frame.



For Appellants : Mrs.J.Padmavathi Devi
Special Government Pleader
For Respondent in W.A. (MD) : Mr.R.Singara Velan
No.1048 of 2020 Senior Counsel for
Mr.S.C.Herold Singh
For Respondent in W.A. (MD) : Mr.H.Arumugam
No.1081 of 2020

COMMON JUDGMENT

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

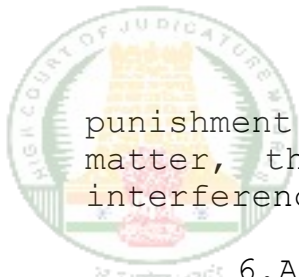
As the issue involved is one and the same and the Writ Petitions were disposed of by a common order, these Writ Appeals are disposed of by this common judgment.

2.In both these cases, the respondents/writ petitioners were working as Inspector of Police and Head Constable respectively. The charge against them are tampering of the records with respect to the Inspector of Police and not reporting to the higher officials in respect of the Head-Constable. Having found that the charges are proved, orders of compulsory retirement have been passed against both the respondents. The learned Single Judge after going through the facts found that though there is negligence and dereliction of duty on the part of the respondents, charges as framed would not have been made out. Resultantly a lesser punishments were directed to be imposed by directing the appellants to impose the punishment of withholding of increments for a period of two years without commutative effect. Challenging the same, the present appeals are filed.

3.Learned Special Government Pleader appearing for the appellants submitted that the charges against the respondents are proved as per the evidence adduced and assessed. Therefore, the learned Single Judge is not correct in reviewing the same.

4.Learned counsel appearing for the respondents submitted that the learned Single Judge did not find fault with the enquiry, but held that the allegations made against the respondents would constitute only a lesser charge as against the one framed. In such view of the matter, the power of judicial review has rightly been exercised. Therefore, there is no need to interfere with the common order of the learned Single Judge.

5.Learned Single Judge has considered the charges framed in detail. It is not as if the respondents have been given a clean chit. After having assessed the materials, the learned Single Judge came to the right conclusion that the charges as framed are not correct and at best the charges of negligence and dereliction of duty can be framed against the respondents. The respondents have also accepted the same and have not challenged the said order. Therefore, we are dealing only with the question of alternative



punishment imposed for the reasons stated. In such view of the matter, the order of the learned Single Judge does not warrant interference.

6. Accordingly, the Writ Appeals stand dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Additional Chief Secretary to Government,
Home Department of Tamil Nadu,
Secretariat, Chennai.

2.The Director General of Police,
Tamilnadu, Chennai - 4.

3.The Deputy Inspector General of Police,
O/o. Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli District.

4.The Superintendent of Police,
O/o. Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-8028[F] dated 02/03/2021)

+1 CC to M/s.SPL GP (SR-8166[F] dated 02/03/2021)

+1CC to Mr.H.Arumugam, Advocate, SR.No.8273 dated 02/03/2021

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AC (CO)

KB (09.03.2021) 3P 8C

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