



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) Nos. 4940 and 5344 of 2018

and

W.M.P. (MD) No. 4917 of 2018

R. Rajadesingh ...Petitioner in both petitions

Vs.

1. The Director General of Police,
Tamil Nadu.
2. The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.
3. The Superintendent of Police,
Ramanathapuram District.
4. The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District. .. Respondents in both Petitions

Prayer in W.P.(MD)No. 4940 of 2018: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to the impugned order made in C.No.F1/35348/2013/D.O.No.1390/2013 dated 23.12.2013 passed by the third respondent and the same was modified by the second respondent in C.No.B1/Appeal06/2016 dated 02.09.2016 and the same was modified by the first respondent in RC.No.179404/AP.I(2)/2016 dated 20.01.2017 and quash the same and consequently direct the respondents to disburse the monetary benefit to the petitioner for the suspension period and pass orders.

Prayer in W.P.(MD)No. 5344 of 2018: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to the impugned order made in P.R.No.112/2013 U/R 3(b) dated 13.05.2014 passed by the third respondent and the same was modified by the second respondent in C.No.B1/Appeal33/2014 dated 17.04.2015 and the same was modified by the first respondent in Rc.No.012187/AP.I(2)/2016 dated 06.01.2017 and quash the same and consequently direct the



respondents to disburse the monetary benefit to the petitioner for the suspension period and pass orders.

For Petitioners	: Mr. A. Rajaram(in both WPs)
For Respondents	: Mr. A.K. Manikkam, Special Government Pleader in W.P.(MD)No. 4940 of 2018 Mr. D. Sadiq Raja, Assistant Government Pleader in W.P.(MD)No. 5344 of 2018

C O M M O N O R D E R

Heard Mr. S.A. Rajaram, learned counsel for the petitioners in W.P.(MD) Nos. 4940 and 5344 of 2018, Mr. A.K.Manikkam, learned Special Government Pleader for the respondents in W.P.(MD) Nos. 4940 of 2018 and Mr. D. Sadiq Raja, learned Assistant Government Pleader for the respondents in W.P.(MD) Nos. 5344 of 2018.

2. In W.P.(MD) No. 4950 of 2018, challenge is to the order passed by the Superintendent of Police/R3 dated 23.10.2013, modified by the Deputy Inspector General of Police/R2 on 02.09.2016 and further modified by the Director General of Police/R1 on 21.01.2017. The charge laid against the petitioner, who retired as a Special Sub Inspector of Police, is that he has received a bribe of Rs.4,000/- from an individual.

3. A punishment of suspension was imposed which order travelled through the hierarchy of appeals, concluding in an order passed by R1, reducing the punishment to that of a black mark. No case whatsoever has been made out justifying interference with the impugned order as the charges have been held proved and, in fact, no serious arguments are presented contesting the charges before this court.

4. That apart, the aspect of decision making, while examining the nature and gravity of the offence and the imposition of a punishment is one that involves a great deal of subjectivity on the part of the authorities. It would not be appropriate for this Court to modify or cancel the punishment imposed, unless the same is shown to be perverse or disproportionate to the charges. This has not been argued, let alone established in this case. This writ petition is thus dismissed.

5. W.P.(MD) No. 5344 of 2018 is also on a similar factual and legal matrix. The charge laid is that the petitioner was negligent while on bandobust duty at Rameswaram temple and had permitted the entry of an individual who found in possession of two knives, two dummy guns and two dummy cell phones into the premises, without proper check and search.



6. The punishment imposed originally was suspension and here too, the Director General of Police has reduced the punishment to a black mark, which is perhaps a more lenient punishment that the Court would have imposed. The writ petition is thus dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

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 Director General of Police,
Tamil Nadu.
2. The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.
3. The Superintendent of Police,
Ramanathapuram District.
4. The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.

+2 CC to M/s.A.RAJARAM, Advocate (SR-37114, 37115[F] dated 02/12/2021)

+1 CC to M/s.SPL GP (SR-37214, 37222[F] dated 03/12/2021)

W.P. (MD) Nos. 4940 and 5344 of 2018
and

W.M.P. (MD) No. 4917 of 2018

02.12.2021

ss (CO)

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