



service, promotion monetary and other attended benefits to the petitioner within a time limit to be fixed by this Court.

2. The petitioner was appointed as Grade - II Constable, then posted in IX Battalion of Tamil Nadu Special Police, Manimuthar on 31.10.1997, then, promoted as Grade -I Constable and transferred to Armed Reserved Police, Madurai in 2007, subsequently transferred to Law and order Wing and posted at Jaihindpuram (L & O) Police Station in December 2008. The petitioner was placed under suspension on 26.09.2011 alleging that "a grave charge was contemplated against the petitioner for having absented for "Roll Call" at 17.00 Hours on 21.09.2011 and belatedly reported at 17.25 hours on 21.09.2011 in drunken mood, while questioning about intoxication went from there on his own accord and was found lying in drunken mood along the road side". The charge memo dated 05.01.2012 was issued and the petitioner submitted initial explanation dated 10.01.2012 and requested to supply the documents and statements of police personals, but has not issued the documents. In the meanwhile, the suspension order was revoked on completion of the oral enquiry. Then, a memo dated 16.08.2012 was issued and the petitioner submitted an explanation dated 13.01.2013 and denied the report of the enquiry officer. After completion of the enquiry, the punishment of stoppage of increment for a period of one year without cumulative effect was imposed by an order dated 05.06.2013. The petitioner preferred an appeal on 28.06.2013 and the third respondent passed an order dated 28.08.2013 confirming the punishment. The 2nd respondent has also rejected the appeal vide order dated 26.09.2013. The petitioner filed the review petition and the same is still pending. In the meanwhile another charge sheet was framed making the same allegation in P.R.No.10 of 2014 and the major punishment of postponement of increment for three years with cumulative effect was passed and on appeal the punishment was reduced to the postponement of increment for one year with cumulative effect. Against which the petitioner has preferred the Review Petition dated 24.02.2015. Pending Review Petition, the second respondent passed an order dated 26.11.2013 treating the suspension period from 28.09.2011 to 02.11.2012 i.e., 402 days as Earned Leave, for 44 days from 28.09.2011 to 10.11.2011 as leave without pay and allowance, again on 11.11.2011 to 02.11.2012 the said period may be regularized. Without considering the Review Petition, the first respondent has implemented the punishment of postponement of increment due as on 01.10.2013. The petitioner is awaiting for promotion as Head Constable, because of the said two delinquencies, the petitioner's promotion is postponed. Since the Review Petition is still pending, the petitioner has come up with present Writ Petition to quash the punishment, dated 05.06.2013 and the appellate order dated 26.09.2013 and consequently, directing the respondents to grant service and other attendant benefits to the petitioner. However, pending the writ petition the 1st respondent has rejected the review vide order dated 30.11.2016 and hence the prayer



3. The respondents filed counter and reiterated the proceedings and the contents of the impugned orders.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

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5. When the case was taken up the Learned Special Government Pleader appearing for the respondents circulated the G.O.Ms.No.559 Home (Police VI) Department, dated 07.12.2021, wherein the Government has announced cancellation of minor punishments to the police persons. In the said GO it has been stated further action may be dropped in all punishment Rolls initiated under rule 3 (a) of Tamil Nadu Police Subordinate Services (Discipline & Appeal) Rules, which are pending for orders as on 13.09.2021. In the present case disciplinary proceeding was initiated under Rule 3(b) and the minor punishments were imposed. Because of two minor punishments the petitioner's promotion opportunity was denied. In the said GO under Clause 3(a) it has been stated if the minor punishment imposed under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, which was completed prior to 13.09.2021 and falls within the check period of a panel and stood as a bar for inclusion in the panel, the cases of such candidates shall be examined separately on a case to case basis for inclusion in the respective panels. Therefore, this Court without going into the merits of the entire issue remanding the matter to the appropriate authority.

6. This Court is of the view that the two punishments shall be considered in the light of the G.O.Ms.No.559, dated 07.12.2021 and the said G.O is applicable to the disciplinary proceedings initiated under 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules. But in the present case, the minor punishment has been imposed. The object of the GO is to cancel the minor punishments to the police personal.

7. Therefore, this Court is remitting the matter to the authority concerned for passing appropriate orders in the light of G.O.Ms.No.559, dated 07.12.2021 within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

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/ /2022

Sub Assistant Registrar (CS)



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To

1.The Director of General of Police,
Mylapore,
Chennai - 600 004.

2.The Commissioner of Police,
Madurai City,
Madurai -1.

3.The Deputy Commissioner of Police,
Madurai City,
Madurai.

+1 CC to M/s.SPL.GP (SR-39710[F] dated 21/12/2021)

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-39938[F] dated 22/12/2021)

W.P (MD) No.1565 of 2016 and
WMP (MD) .Nos.1324 and 1325 of 2016
20.12.2021

MK/18.02.2022/4P/6C