



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.20155 of 2018
(Through Video Conference)

WEB COPY

A.Kanagabai

... Petitioner

Vs

1. The State of Tamil Nadu rep. By its
Additional Chief Secretary to Government,
Fort St.George, Secretariat,
Chennai 600 009

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

3. The Deputy Inspector General of Police,
Thirunelveli Range,
Thirunelveli.

4. The Superintendent of Police,
Thirunelveli District.

5. The Deputy Superintendent of Police,
Ambasamudram,
Thirunelveli District.

... Respondents

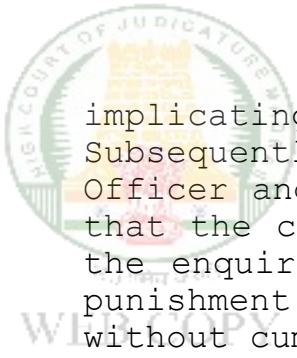
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records passed by the 4th respondent herein in P.R.43/2007 u/r 3(a) dated 20.06.2017, the consequential appeal rejection order passed by the 3rd respondent herein in C.No.C4/AP.57/2007 dated 25.09.2007 the consequential review rejection order passed by the 2nd respondent in Rc.No.6539/AP2(1)/2008 dated 12.05.2008 and the consequential mercy petition rejection order passed by the 1st respondent in G.O.(D) No.117 Home (Pol.IV A) Department dated 30.01.2018 and quash the same.

For Petitioner : M/s.M.Padmavathy

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

ORDER

The Deputy Superintendant of Police, Ambasamuthram, who is the fifth respondent herein, had issued a charge memo dated 26.02.2007
<https://hcservices.ecourts.gov.in/hcservices/>



implicating the petitioner on three counts of charges. Subsequently, the same fifth respondent has also acted as an Enquiry Officer and had relied upon his own notice and came to a conclusion that the charges against the petitioners have been proved. Based on the enquiry report, the petitioner herein, has been imposed with a punishment of postponement of increment for a period of one year without cumulative effect.

2. At the outset, it requires to be pointed out that the fifth respondent herein, had relied upon his own documents as an evidence for the purpose of holding the petitioner guilty of the charges. It is a settled proposition that, 'no man can be a Judge of his own cause'. On this short ground, the enquiry report itself cannot be sustained and consequently, the punishment imposed on the petitioner requires to be set aside. It is seen that though the petitioner had filed an appeal before the third respondent herein, this aspect was not noticed by the third respondent also.

3. For all the foregoing reasons, த.ப.எண்.43/2007, dated 26.02.2007 stands quashed. Consequently, the petitioner herein would be entitled to all the service and monetary benefits that may have accrued in his favour, if the charges were not levelled against him.

4. The writ petition stands allowed accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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.

To:

1. The Additional Chief Secretary to Government,
Fort St.George, Secretariat, Chennai 600 009

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

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



3. The Deputy Inspector General of Police,
Thirunelveli Range, Thirunelveli.

4. The Superintendent of Police,
Thirunelveli District.

5. The Deputy Superintendent of Police,
Ambasamudram,
Thirunelveli District.

+1 CC to SPL GP (SR-6453[F] dated 22/02/2021)

+1 CC to M/s.M.PADMAVATHY, Advocate (SR-6652[F] dated 23/02/2021)

Order made in
W.P. (MD) No.20155 of 2018
19.02.2021

VB (10.03.2021) 3P 8C