



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.21816 OF 2015

V.Karthick

...Petitioner

-Vs-

1. Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore - 641 018.
2. The Superintendent of Police,
Armed Force,
Coimbatore - 641 018.
3. The Enquiry Officer,
District Crime Record Bureau,
Coimbatore - 641 018.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceeding C.No.D2/930/2015 AP.05/2015 dated 19.02.2015 confirming the Order on Punishment Roll passed by the 2nd respondent by his proceedings J1/P.R.12/2014 dated 24.12.2014 and quash the same.

For Petitioner : Mr.K.Venkataramani, Sr. Counsel
for Mr.M.Muthappan

For Respondents: Mr.E.Veda Bagath Singh, Spl. GP

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner, while serving as a Police Constable in the Armed Forces, was imputed with a charge memo dated 18.02.2014 with allegations that, on 07.05.2012, while he was



driving the police jeep bearing Registration No.TN-38-G-0817, the front right wheel cup had disengaged from the tyre and hit a cyclist causing his death, owing to which, a criminal case came to be registered against him in Crime No.284 of 2012 for the offences under Section 279 and 304(a) of IPC. Since he was involved in a criminal case, the charges have been framed against him.

3. The Enquiry Officer had come to a finding that the charge has been proved on the ground that the petitioner had failed to properly inspect the vehicle wheels before taking it and therefore had attributed rash and negligence on the part of the petitioner. Consequently, the Disciplinary Authority had imposed a punishment of postponement of increment for two years with cumulative effect, through his letter dated 24.12.2014, which was confirmed by the first respondent in the Appeal Petition dated 19.02.2015. The punishments are put under challenge in the present writ petition.

4. The charges, as such, pertains to the petitioner's involvement in a criminal case. The charge does not speak about the death of the cyclist occurring due to the rash and negligent driving of the petitioner. Incidentally, the criminal case in which the petitioner was implicated, culminated into framing of charges and taken up in C.C.No.90 of 2013 and by a judgment dated 09.10.2013, the learned Judicial Magistrate I, Coimbatore, had acquitted the petitioner from the offences, by holding that there was no rash and negligence on the part of the petitioner in having caused the death of the cyclist and that the accident itself occurred owing to the mechanical defect in the jeep. Curiously, the Enquiry Officer had simply extracted the statements of the witnesses and was of the view that the petitioner ought to have inspected the vehicle prior to driving it and therefore attributed rash and negligence on the petitioner, thus holding the charge as proved.

5. As stated earlier, the charge against the petitioner was not one for rash and negligence, but for his involvement in the criminal case. On this aspect, the entire report of the Enquiry Officer, by attributing rash and negligence on the petitioner, which was not the charge, itself is misconceived.

6. This apart, the original charge itself cannot be sustained for the simple reason that when the charge memo was served on the petitioner on 18.02.2014, the Criminal Court had already passed the judgment on 09.10.2013, acquitting the petitioner from the offences. In other words, when the charge memo was issued on 18.02.2014, the petitioner was not involved in any criminal case at all. While that being so, the very basis on which the enquiry was conducted against the petitioner,



stating that he was involved in a criminal case, cannot be sustained. In this background, this Court is of the view that the entire enquiry, which culminated from the charge memo, which is unsustainable, is illegal and consequently, the punishment imposed requires interference.

7. In the light of the above observations, the impugned punishment order dated 19.02.2015 passed by the first respondent herein, confirming the order on punishment roll passed by the second respondent herein, dated 24.12.2014, is quashed. In view of the quashing of the punishment, the petitioner would be entitled for all the service and monetary benefits due to him, as if he was never imposed with the present impugned punishments.

8. The Writ Petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

hvk

To

1. Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore - 641 018.

2. The Superintendent of Police,
Armed Force,
Coimbatore - 641 018.

3. The Enquiry Officer,
District Crime Record Bureau,
Coimbatore - 641 018.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.2479

+1cc to the Government Pleader, S.R.No.2982

W.P.No.21816 of 2015

MT(CO)
PM/31/01/2022