



W.P.No.34242 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.34242 of 2022

Coimbatore Human Rights Forum
No.23A, Govt. Arts College Road
Coimbatore 641 018
Rep. by its Chairperson V.P.Sarathi.

.. Petitioner

Vs.

State of Tamil Nadu
Rep. by Secretary to Government
Home Department
Fort St. George
Chennai 600 009.

.. Respondent

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondent from withdrawing or revoking disciplinary proceedings against Police personals who have been charged for misconduct and violation of rights of citizens.



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For the Petitioner : Mr.P.V.S.Giridhar

For the Respondent : Mr.P.Muthukumar
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking a writ of Mandamus forbearing the respondent from withdrawing or revoking disciplinary proceedings against Police personnel.

2. Learned counsel appearing for the petitioner submitted that the petitioner forum is a registered Charitable Trust at Coimbatore with an laudable object of providing local assistance, relief to victims, campaign for promotion and protection of human rights including women's rights and providing training on human rights to law enforcement officials. The petitioner has been involved in various programmes and activities for the promotion and protection of human rights in Tamil Nadu. The petitioner is a lawyer having wide practice in civil and criminal law in various Courts, principally in Coimbatore.



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3. According to the petitioner, although the police force in Tamil Nadu is generally efficient and disciplined when compared to other States, the human rights violations are often committed by a section of Police force. As a result, several cases of custodial deaths, custodial rape and other form of custodial violence have come to light. Only in few cases, where the policemen are found responsible, they are proceeded with departmentally by issuing charge memo under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules.

4. On 07.12.2021, G.O.(Ms).No.559, Home (Police VI) Department has been issued by the State Government ordering that departmental action in all punishment rolls initiated under Rule 3(a) of the Rules which are pending for orders as on 13.09.2021 and where the punishment awarded is in currency as on 13.09.2021 may be dropped. When some of the policemen are facing summary proceedings under Rule 3(a) and major proceedings under Rule 3(b) of the Rules, this G.O. dated 07.12.2021, which would absolve all the policemen who are facing disciplinary proceeding under Rule 3(a), would give a wrong signal to the Society at large. Therefore, the

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petitioner has come up with this writ petition.

5. It is submitted that though this writ petition has been filed for a writ of Mandamus forbearing the respondent from withdrawing or revoking the disciplinary proceedings against the police personnel, in view of the judgment of the Bombay High Court in ***National Association of Blind v Bombay Municipal Corporation [PIL-CJ-LD-VC-No.45 of 2020 dated 28.10.2020]***, this writ petition is maintainable.

6. It is further submitted that the G.O. dated 07.12.2021 is passed in violation of Part III of the Constitution of India.

7. According to the petitioner, he is a busybody and is a responsible lawyer practising in Coimbatore and other Districts and therefore, the writ petition may be entertained.

8. Admittedly, G.O.(Ms.)No.559, Home (Police VI) Department, dated 07.12.2021, which gives cause of action for filing the writ petition, has not been challenged. Without a prayer for quashing the



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said G.O., the prayer to forbear the respondent from withdrawing or revoking disciplinary proceedings is not sustainable.

9. That apart, the Apex Court, in ***Rajnit Prasad v. Union of India [(2000) 9 SCC 313]***, while dealing with identical issue, held that public interest of general importance is not involved in disciplinary proceedings. When disciplinary proceedings are essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. It is pertinent to reproduce paragraph 9 of the said order, which reads as under:

"9. But a mere busybody who has no interest cannot invoke the jurisdiction of the court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a writ petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for "misconduct" on the part of the



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employee. This action is taken after a "domestic" inquiry in which the employee is provided an opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of court."

10. A reading of the above would make it clear that in respect of departmental proceedings which are initiated or sought to be initiated, a person, who is not even remotely connected with those proceedings, cannot challenge any aspect of the departmental proceedings or the action by filing a writ petition in the High Court.

11. In view of the ratio laid down by the Apex Court supra and for the reason aforementioned, we do not find any locus standi of the petitioner. Thus, the writ petition fails and the same is dismissed. There will be no order as to costs.



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(T.R., ACJ.) (D.B.C., J.)
22.12.2022

Index : Yes/No

kpl

To

The Secretary to Government
Home Department
Fort St. George
Chennai 600 009.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

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