



WEB COPY

W.P.No. 35260 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 35260 of 2016

and

W.M.P.No. 30372 of 2016

M. Kumar

... Petitioner

Vs.

1. Deputy Inspector General of Police,
Villupuram Range,
Villupuram.

2. District Superintendent of Police,
Villupuram District.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in AA 137/2015 Na.Ka. D2/49906/2014 dated 13.02.2014 and the consequential order passed by the first respondent in C.No. B3/Appeal 12/2015 dated 08.05.2015 and to quash both the orders and to consequently direct the respondents to reinstate the petitioner with backwages, continuity of service along with other attendant benefits.

For Petitioner	: Mr. P. Paramasiva Doss
For Respondents	: Mr. J. Pradeep

ORDER

The order of termination and the appellate order of rejection, are under challenge in the present writ petition.

2. The petitioner was appointed as a member in Youth Brigade on



12.02.2014. The appointment of the writ petitioner as Youth Brigade was on temporary basis for a consolidated pay salary. The members of the youth brigade, who have completed one year of service in the Youth brigade are eligible to appear at the common state level written examination to be conducted by the Tamil Nadu Uniformed Services Recruitment Board for the purpose of absorption to the post of police constable in the Tamil Nadu Special Police Subordinate Service.

3. While the petitioner was working in Thiyaadurugam Police Station, he was deputed on other duty to Kallakurichi Traffic police station from 03.11.2014. While he was returning home after duty at Kallakurichi, he had gone to the foot of the hills at Thiyaadurugam willfully, without any instructions from the authorities or order and on his own accord. He had questioned one Senthilnathan, S/o Arunachalam and Sekar, S/o Chellappan, who were consuming liquor there. The petitioner was found in civil dress. When he was offered Rs. 50 by the above persons, he did not accept the same, but snatched the total amount of money they had and asked Senthilnathan and Sekar to come over to police station and left the place riding his motor cycle bearing Registration No. TN-32-AZ-8064, without revealing his identity. The said Senthilnathan and his friend visited the police



station immediately. As they could not find the petitioner, they had gone back to the hill area and complained the matter to Head Constable 568 Jaffer of Thiyyagadurugam Police Station who was on beat duty. The petitioner was enquired at the Thiyyagadurugam Police Station by the Sub- Inspector of Police in the presence of the complainants

4. During the enquiry, a sum of Rs. 4000/- was seized from the petitioner under the cover of Mahazar. On a report of Sub-Inspector of Police, Thiyyagadurugam Police Station dated 05.12.2014 received through the Inspector of Police, Thiyyagadurugam Police Station and the Deputy Superintend of Police, Kallakurichi, the petitioner was placed under suspension and departmental disciplinary proceedings were initiated. The petitioner was issued with a show cause notice dated 06.01.2015 calling for his explanation as to why he should not be terminated from service

5. The petitioner submitted his explanation on 08.01.2015, admitting his guilt. The petitioner has further submitted representations on 16.12.2014, 08.02.2015 and 09.03.2015 stating that he had received Rs. 100 only from the complainants. Subsequently, the competent authorities issued an order of termination in proceedings dated 13.02.2015. The petitioner preferred an



appeal before the first respondent/ Deputy Inspector General of Police, who in turn rejected the appeal on 08.05.2015.

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6. The petitioner was appointed as youth Brigade on temporary basis on consolidated pay salary. The order of appointment dated 12.02.2014 stipulates that the appointment is temporary and he was not appointed as a regular member of the force. During the temporary service as youth brigade, the petitioner has committed a misconduct. Pertinently, the petitioner has admitted his guilt in his explanation dated 09.01.2015. When the petitioner himself admitted the guilt, the authorities competent terminated the services of the writ petitioner and the appeal filed by him was also rejected.

7. Pertinently, on receipt of complaint, from the victim, the Deputy Superintendent of Police, Inspector of Police and Sub-Inspector of Police conducted an enquiry and they have submitted a report stating that the charges are established. Accordingly, show cause notice was issued to the writ petitioner and he admitted the charges in his explanation dated 09.01.2015. Once a temporary employee, who is working in consolidated pay salary admitted the charges which are all serious in nature, there is no necessity to conduct further enquiry by following the discipline and appeal



rules, since he is not a regular member of the services. The authorities have fairly provided an opportunity to the writ petitioner to defend his case.

However, the petitioner admitted the charges. The show cause notice was issued after conducting a detailed enquiry by the Deputy Superintendent of Police regarding the incident occurred in the public. Thus, this Court is of the opinion that the petitioner was found misfit for holding the post of Youth brigade on temporary basis on consolidated pay salary. A person who is in police force or performing the duties of law and order is expected to behave properly with the public and the incident occurred in the present case reveals that the actions taken is proper and in consonance with the procedures required to be followed. Therefore, this Court do not find any infirmity in respect of the impugned order passed. Thus the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Deputy Inspector General of Police,



Villupuram Range,
Villupuram.

W.P.No. 35260 of 20



2. The District Superintendent of Police,
Villupuram District.

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S.M.SUBRAMANIAM, J.



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