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W.P.No.36232 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36232 of 2016
and
W.M.P.No.31156 of 2016

R.Chandrasekaran

...Petitioner

Vs.

1.The Deputy Inspector General of Police,
(Internal Security), Chennai – 600 004.

2.The Inspector General of Police,
(Internal Security), Chennai – 600 004.

3.The Director General of Police,
Tamil Nadu, Chennai – 600 004.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st Respondent in connection with the impugned order passed by him in PR 3/Q/2014 dated 23.03.2015 and confirmed by the 2nd and 3rd Respondents in PR3/Q/2014 dated 16.06.2015 and RC No.132016/APIV(2)/2015 dated 13.1.2016 and quash the same.



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For Petitioner : Mr.K.Venkata Ramani
Senior Counsel

For R1 to R3 : Mr.R.Rajesh
Government Advocate

ORDER

The modified punishment of “Postponement of next increment for one year with cumulative effect” imposed by the Revisional Authority / Head of the Department is under challenge in the present writ petition.

2. The petitioner states that he was recruited as Grade-II Police Constable and subsequently, promoted as Head Constable and to the post of Sub-Inspector of Police on 18.12.2006. The petitioner was serving on deputation in the Motor Transport Wing of Q Branch CID in the Headquarters at Chennai from 04.08.2007. A charge memo under Rule 3 (b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules was issued against the writ petitioner after conducting a preliminary enquiry in P.R3/Q/2014 dated 01.12.2014. The petitioner submitted his written statement of defense, denying the allegations. Not satisfied with the explanation, the Disciplinary Authority appointed an enquiry officer, who in



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turn, conducted an enquiry by affording an opportunity to the writ petitioner and submitted his final report, which was communicated to the writ petitioner for the purpose of submitting his further objections on the findings of the enquiry officer.

3. Considering the facts and circumstances and the materials available on record, the Disciplinary Authority imposed the punishment of “Postponement of next increment for two years with cumulative effect”. The petitioner preferred an appeal and the order of the Disciplinary Authority was confirmed. Thus, he preferred a Revision before the Director General of Police / Head of the Department, who in turn, considered the grounds raised by the writ petitioner and reduced the punishment to that of “Postponement of next increment for one year with cumulative effect”.

4. The learned Senior counsel appearing on behalf of the petitioner mainly contended that the evidences recorded before the enquiry officer would reveal that it was an accident and there was no intention on the part of the writ petitioner in commission of any such misconduct and an accident cannot be construed as a misconduct for the purpose of initiation of



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disciplinary proceedings and for imposing punishment. When an accident occurred and the other person, who is a third party as well as the petitioner got injured in the accident, then there is no reason for initiation of departmental disciplinary proceedings, since the deposition of the witnesses reveals that there was no voluntary act or otherwise on the part of the writ petitioner.

5. The learned Government Advocate appearing on behalf of the respondents objected the said contention by stating that it is not a mere accident and the accident occurred on account of intoxication by the petitioner and he had misused the Department vehicle for his personal use and had driven the vehicle in a drunken mood and caused an accident. Therefore, the departmental disciplinary proceedings were initiated and thus, there is no infirmity in respect of the order of punishment passed by the competent authorities.

6. The findings of the enquiry officer unambiguously reveals that the drunkenness of the writ petitioner was recorded and treatments were provided to the petitioner as well as to the other person, who got injured. After the



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accident, the petitioner and the other person (third party) injured had taken through Ambulance to the Government Hospital and the Hospital records reveals that the petitioner was in drunken mood and based on those documents, the enquiry officer formed a final opinion that the petitioner had committed an act of misconduct. Thus, the findings of the enquiry officer is based on some evidence and thus, there is no perversity.

7. The enquiry proceedings were conducted in accordance with the procedures contemplated. The rules of natural justice has been complied with. The findings of the enquiry officer is based on some evidence and therefore, this Court do not find any infirmity or perversity in respect of the enquiry conducted as well as the findings made by the enquiry officer.

8. Regarding the proportionality of punishment, no doubt, the Disciplinary Authority imposed the penalty of “Postponement of next increment for two years with cumulative effect”. However, the Revisional Authority considered the quantum of punishment and reduced the same to that of “Postponement of next increment for one year with cumulative effect”. Since the Revisional Authority had considered the quantum of punishment



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and reduced the punishment, there is no reason whatsoever for this Court to exercise the power of judicial review for the purpose of interfering with the modified punishment imposed by the Revisional Authority.

9. For all these reasons, this Court do not find any reasons for the purpose of interfering with the orders impugned. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.11.2022

Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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