



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14265 of 2014

P.Sivakumar

.. Petitioner

vs.

1.The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore - 18.

2.The Additional Director General of Police,
Law and Order,
Chennai - 4.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the respondents in connection with the impugned order passed by the first respondent in C.No.B1/3560/2009 in PR No.14/2009 dated 17.07.2013 and confirmed by the second respondent in RC No.145603/AP2(1)/2013 dated 05.03.2014 and quash the same.

For Petitioner : Mr.L.Chandrakumar for
Mr.A.Thiyagarajan.

For Respondents: Ms.S.Anitha,
Special Government Pleader.

O R D E R

The writ on hand has been instituted questioning the validity of the punishment imposed on the writ petitioner in departmental disciplinary proceedings, which is confirmed in the appeal.

2. The writ petitioner was directly recruited as Sub Inspector of Police and promoted as Inspector of Police on 10.08.2001. The petitioner was due for promotion to the post of Deputy Superintendent of Police, Category-I for the year 2009-2010. On account of the pendency of criminal case, during the relevant point of time, the petitioner was not considered for



promotion to the post of Deputy Superintendent of Police. The criminal case registered against the writ petitioner ended with an order of acquittal on 01.02.2013 and thereafter, the departmental disciplinary proceedings were continued. The disciplinary proceedings ended with an order of punishment of postponement of increment for two years with cumulative effect in proceedings dated 17.07.2013 and the appeal filed against the said punishment was rejected.

3. The learned counsel for the petitioner mainly contended that the petitioner was due for promotion to the post of Deputy Superintendent of Police in the panel of the year 2014-2015 and during the relevant point of time, there was no impediment for considering the case of the writ petitioner. However, he was not considered for promotion and subsequently he attained the age of superannuation and retired from service on 31.05.2018.

4. As far as the order impugned is concerned, the procedures as contemplated under the Disciplinary and Appeal Rules were followed and the petitioner was provided with an opportunity to defend his case. The quantum of punishment imposed also cannot be construed as disproportionate as the acquittal in a criminal case would not be a bar for the disciplinary authority to impose punishment in the departmental disciplinary proceedings. Considering the proved misconduct, the punishment was imposed and the grounds raised questioning the validity of the punishment in the present writ petition are neither candid nor convincing. Thus, this Court do not interfere with the quantum of punishment imposed. So also the appellate order passed confirming the punishment.

5. As far as the opportunity of promotion is concerned, this Court is of the considered opinion that the service particulars and the period in which the departmental disciplinary proceedings were pending and the pendency of the criminal case and all other factors are to be considered cogently for the purpose of ascertaining the eligibility of the writ petitioner for promotion to the post of Deputy Superintendent of Police during the relevant point of time. In this regard, the respondents are directed to consider the case of the writ petitioner with reference to his claim for promotion to the post of Deputy Superintendent of Police in the panel year 2014-2015 and if the petitioner is otherwise eligible and suitable in accordance with the rules in force, the same is to be considered. In this regard, the petitioner is at liberty to submit a detailed representation setting out all the facts and circumstances along with the documents if any within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondents are directed to take decision and



pass orders as expeditiously as possible.

6. With the abovesaid directions, the writ petition stands disposed of . However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore - 18.

2.The Additional Director General of Police,
Law and Order,
Chennai - 4.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.35491

+1cc to the Government Pleader, S.R.No.35911

WP 14265 of 2014

SR(CO)
SB(27/06/2022)