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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.14371 and 14372 of 2014

N.Rajenderan

... Petitioner
in both W.Ps

Vs.

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

2.Superintendent of Police,
District Police Office,
Thanjore.

3.Deputy Superintendent of Police,
Sirkali Sub-Division,
Nagapattinam District.

... Respondents
in both W.Ps

Prayer in W.P.No.14371 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned orders passed by second respondent herein in his proceedings P.R. No.57/2012 u/r.3(a) dated 18.03.2013 imposing the punishment of Postponement of Increment for one year without cumulative effect and confirmed by the order passed by the first respondent herein in his proceedings Na.ka. No.B2/Appeal.17/13 dated 20.06.2013 and quash the same.

Prayer in W.P.No.14372 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned orders passed by second respondent herein in his proceedings P.R. No.59/2012 u/r.3(a) dated 18.03.2013 imposing the punishment of Postponement of Increment for one year without cumulative effect and confirmed by the order passed by the first respondent herein in his proceedings Na.ka. No.B2/Appeal.19/13 dated 20.06.2013 and quash the same.

For Petitioner : Mr.G.Bala
For M/s.Bala & Daisy
(in both W.Ps)



For R1 to R3 : Mr.A.M.Ayyadurai
Government Advocate
(in both W.Ps)

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ORDER

The order of punishments are under challenge in these present writ petitions.

2. The writ petitioner was working as Sub-Inspector of Police. The charge memos under Rule 3(a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules was issued against the petitioner and the petitioner submitted his explanation stating that he is not responsible for any such official lapses and he joined in that station 15 days back and by considering certain personal adverse remarks against the writ petitioner, the Deputy Superintendent Police initiated action and issued charge memo under Rule 3(a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules.

3. The learned counsel for the writ petitioner contended that the charge memos are issued based on certain personal vengeance. The learned counsel for the petitioner further stated that the writ petitioner is an honest Sub-Inspector of Police and he has not yielded to the requests of the higher official and therefore, he was issued with the charge memo under Rule 3 (a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. However, these allegations are not set out in these writ petitions or the authority on whom such allegations are raised is impleaded as a party in the present writ petitions. Thus, this Court cannot make any findings with reference to the arguments as advanced in this regard.

4. Yet another contention raised by the petitioner is that on the same date two charge memos under Rule 3(a) are issued with reference to certain minor lapses for which the petitioner is not responsible or liable. The very nature of allegation and the manner in which the said charge memos were issued would reveal that there are certain other factors, which are all to be considered by the authority competent.

5. Admittedly, the petitioner has not exhausted the review remedy as per the rules in force. All such mitigating factors are to be placed before the higher authority for effective adjudication of the issues raised in these writ petitions. With a view to provide an opportunity to the writ petitioner and exhaust the statutory remedy, the petitioner is at liberty to approach the competent authority by filing a review challenging the order of punishment. In the event of filing any such review



petition before the competent authority and the said authority is directed to adjudicate the issues on merits and in accordance with law and pass orders as expeditiously as possible.

6. With these directions, these Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Jeni/Mrm

To

1.The Deputy Inspector General of Police,
Thanjore Range,
Thanjore.

2.The Superintendent of Police,
District Police Office,
Thanjore.

3.The Deputy Superintendent of Police,
Sirkali Sub-Division,
Nagapattinam District.

+1cc to M/s.G.Bala & Daisy, Advocate, S.R.No.35596
+1cc to the Government Pleader, S.R.No.36179

W.P.Nos.14371 and 14372 of 2014

SR-II(CO)
SB(01/07/2022)