



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.2455 of 2020

and

W.M.P. (MD)Nos.2115, 2117 and 2119 of 2020

WEB COPY

R.Vadivelu

... Petitioner

versus

1. The Director General of Police,
Tamil Nadu,
Mylapore,
Chennai - 600 004.
2. The Additional Director General of Police,
Law and Order,
O/o. The Director General of Police,
Tamil Nadu,
Mylapore,
Chennai - 600 004.
3. The Inspector General of Police,
Armed Police,
T.S.P. I Bn. Campus,
Crawford,
Trichy - 12.
4. The Deputy Inspector General of Police,
Railways,
Egmore,
Chennai - 8.
5. The Superintendent of Police,
Railways,
Crawford,
Trichy - 12.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the order dated 25.11.2019 in Rc.No.251996/AP.IV(2)/2019 passed by the second respondent confirming the order of the third respondent in PR.No.4/2018, dated 09.08.2019 and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader



ORDER

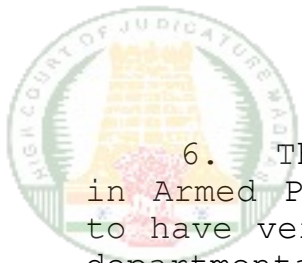
This writ petition is filed against the order passed by the appellate authority, namely, the Additional Director General of Police, Law and Order, Tamil Nadu, Chennai, in R.C.No.251996/AP.IV (2)/2019, dated 25.11.2019, in and by which, the appellate authority has confirmed the order of punishment imposed against the petitioner.

2. The petitioner, who was working as Superintendent, Armed Police, Tiruchirappalli, was dealt with on a charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1955 in PR No.4 of 2018 for certain delinquencies. The Enquiry Officer, namely, the Deputy Superintendent of Police, Railway Sub Division, conducted enquiry and held that count Nos.1 and 2 are proved. Based on the enquiry report, the Disciplinary Authority, namely, the Inspector General of Police, Armed Police, Tiruchirappalli, vide order dated 09.08.2019, imposed a punishment of censure. Aggrieved over the same, the petitioner preferred an appeal before the appellate authority/the Additional Director General of Police, (Law and Order), Chennai and the same was dismissed by the appellate authority, vide order dated 25.11.2019. Challenging the same, the present writ petition is filed.

3. Mr.P.Ganapathi Subramanian, learned counsel for the petitioner submits that the appellate authority, without applying his mind, simply followed the order of the disciplinary authority and dismissed the appeal by way of passing a cryptic order. Therefore, the impugned order needs to be interfered with. He has also relied upon the Rule 6 (1) of the Tamil Nadu Subordinate Services (Discipline and Appeal) Rules 1955 and the order of this Court passed in W.P.No.18827 of 2006 dated 19.10.2006 [reported in CDJ 2007 MHC 037].

4. The learned Additional Government Pleader appearing for the respondents submits that the petitioner, as Section Superintendent, without due verification of the service Roll and defaulter sheet of one SSI (601) Pon.Balasubramanian, who is having punishments in PR.24/2006 and PR.01/2007 under Rule 3(b) of the TNPSS(D&A) Rules, 1955, has sent recommendation roll in C.No.F2/4715/2011, dated 23.06.2011 to Chief Office, recommending his name for the award of Medal. Consequent to this recommendation, the above SSI Pon.Balasubramanian has been awarded with TNCM's Police Medal for the year 2011 by the Government in G.O.Ms.No.509, Home (SC) Dept., dated 15.09.2011 (Medal Allowance/Lumpsum grant). For the above delinquency of slack supervision, lack of integrity and devotion to duty in his official duties, the petitioner was dealt with under Rule 17(b) of the TNCS(D&A) Rules, 1955 in F1/PR.04/2018, dated 12.09.2018 by the fourth respondent.

5. This Court paid its anxious consideration to the rival



6. The petitioner, who was working as Section Superintendent in Armed Police, before making any recommendation for medal, ought to have verified as to whether the person recommended is facing any departmental proceedings or not and thereafter, put up the file before the higher officials. But, the petitioner has not verified the same and wrongly recommended a person, facing department proceedings, for the medal. The Enquiry Officer/Deputy Superintendent of Police, Madurai Railway Sub Division, after conducting oral enquiry, held that count Nos.1 and 2 are proved and count No.3 is not proved. Based on the enquiry report, the Disciplinary authority, namely, the Inspector General of Police, Armed Police, Tiruchirappalli, has passed an order of punishment of censure.

7. It is the grievance of the petitioner that the appellate authority, while considering the appeal filed by him, simply followed the order of the disciplinary authority and without applying his mind, dismissed the appeal, by way of passing a cryptic order.

8. On a perusal of the order passed by the appellate authority, it is seen that the appellate authority had made certain observations that the charge of slack supervision and deliberate attempt on the part of the delinquent to cover up the punishment of a medal recipient has been amply proved; punishment of "Censure" inflicted on the delinquent is already a lenient one.

9. Therefore, this Court is of the view that the appellate authority, while dismissing the appeal filed by the petitioner, has properly applied his mind and passed that order. Hence, the order of the appellate authority cannot be treated as cryptic order. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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5. The Superintendent of Police,
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+1 CC to M/s.SPL GP (SR-369[F] dated 05/01/2022)

W.P(MD)No.2455 of 2020
04.01.2022

RJ(CO)
GC(10.03.2022) 4P 7C