



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.3762 of 2020

and

W.MP(MD)No.3187 of 2020

V.Guruvenkatraj

... Petitioner

Vs

1.The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai Road,
Mylapore, Chennai - 04.

2.The Deputy Inspector General of Police,
Madurai Range, Madurai.

3.The Superintendent of Police,
Madurai District, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned proceedings No.C.No.F4/PR.30/2017 U/r.3(a) dated 21.06.2017 on the file of the third respondent, which was confirmed by the second respondent by his impugned proceedings bearing No.C.No.A4.10544/AP/2017, R.O.No.90/2018, dated 21.02.2018 and the subsequent impugned proceedings of the first respondent bearing R.C.No.001757/AP.II(3)/2019, dated 21.03.2019 and quash the same.

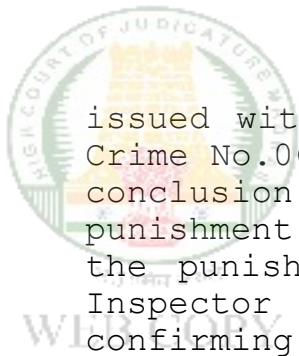
For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition is filed as against the order dated 21.03.2019 passed by the first respondent, by modifying the punishment imposed on the petitioner by the third respondent on 21.06.2017.

2.The petitioner is working as the Inspector of Police of Devadanapatti Police Station, Theni District. While he was working as the Inspector of Police, Peraiyur Circle Madurai, he has been



issued with a charge memo that he failed to arrest the accused in Crime No.06 of 2017 on the file of the Saptoor Police Station and in conclusion of the disciplinary proceedings, he was awarded with a punishment of postponement of increment for two years. As against the punishment, the petitioner filed an appeal before the Deputy Inspector General of Police, Madurai Range, Madurai, who, by confirming the order of the third respondent, rejected the appeal filed by the petitioner. As against the rejection, the petitioner filed a mercy petition before the first respondent the Director General of Police, Chennai, who after considering the same, modified the punishment from postponement of increment for two years to postponement of increment for one year. Challenging the same, the petitioner is before this Court.

3.The learned Counsel for the petitioner submits that the disciplinary proceedings were initiated against the petitioner that he did not arrest the accused in a criminal case. In fact, the accused were staying in northern states of India. Therefore, with the available manpower, the accused could not be nabbed. Though the disciplinary proceedings were initiated on the directions of this Court in Crl.O.P(MD)Nos.4545 and 4546 of 2017, the respondents in a mechanical manner imposed the punishment without valid reasons, because the accused went to Delhi and filed SLP before the Hon'ble Supreme Court and therefore, it is evident that the accused were in Delhi and they were not available in this State itself. Therefore, this petitioner cannot be held responsible for the same.

4.Mr.G.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents submits that the petitioner was lethargic in arresting the accused in Crime No.6 of 2017 and he also suppressed certain material facts before the Court in the application filed for anticipatory bail by the accused. According to the learned Additional Government Pleader, Ayyavuthevar Al, who is a resident of Thotampatti village, was having 28 cases and his name was included in the History Sheet (suspect) and he was very much available in his village at that point of time, but he was not arrested. These material facts were not placed before the Court by this petitioner in the anticipatory bail petition filed by the said accused. Therefore, on the directions of this Court, departmental proceedings were initiated against this petitioner, in conclusion of the same, punishment of postponement of increment for two years was imposed, on appeal it was confirmed and finally it was modified to postponement of increment for one year by the first respondent in the mercy petition filed by the petitioner.

5.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

6.It is seen from records that the petitioner being a Station House Officer failed to arrest an accused, who had involved in 28 cases and declared as history sheetee (suspect). These



facts were not placed before the Court in the anticipatory bail petitions filed by the accused in Crime No.6 of 2017. Further, it appears that the accused managed to go to Delhi and file an SLP, which was subsequently dismissed. Even then the accused were not arrested by the petitioner.

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7.A perusal of the order dated 27.04.2017, in CrI.O.P(MD)Nos.4545 and 4546 of 2017, shows that the learned Government Advocate (CrI Side) represented that despite the directions from the Court, the police had not arrested the accused and the police was lethargic in securing the accused, though they were available in the village. Considering the above, disciplinary proceedings were directed to be initiated against the petitioner. Accordingly, the respondents initiated disciplinary proceedings, in conclusion of the same, punishment of postponement of increment for two years was imposed on 21.06.2017, on appeal it was confirmed on 21.02.2018, thereafter, the accused was arrested on 21.03.2018 and finally in the mercy petition filed by the petitioner, the punishment was modified to postponement of increment for one year by the first respondent on 21.03.2019. This Court does not find any merit in this writ petition and the petitioner has not made out any ground for interference. Therefore, this writ petition is liable to be dismissed.

8.In the light of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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.

To

1.The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai Road,
Mylapore, Chennai - 04.



2.The Deputy Inspector General of Police,
Madurai Range, Madurai.

3.The Superintendent of Police,
Madurai District, Madurai.

4. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.SPL GP (SR-367[F] dated 05/01/2022)

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-409[F] dated 05/01/2022)

W.P(MD)No.3762 of 2020
04.01.2022

SAR(CO)
KB(17.03.2022) 4P 7C