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W.P.(MD)No.8732 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.8732 of 2019

J.R.Nagarajan

... Petitioner

vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

2.Deputy Inspector General of Police,
Armed Reserve (in-charge),
Tiruchirappalli District.
(Armed Police, Chennai.)

3.The Commandant,
Tamil Nadu Special Office,
VI Battalion, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order of removal from service passed by the 3rd respondent in his proceedings in PR No.2/11, dated 07.07.2011 and the same being confirmed



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on appeal by the 2nd respondent, vide his impugned proceedings in C.No.A2/Appeal- 23/2011, dated 05.05.2012 and the same being modified by the 1st respondent, vide his impugned proceedings in Rc.No.198103/AP3(1)/2012, dated 25.08.2014 (served on 08.10.2014) and to quash all and consequently, to direct the respondents to grant all service and monetary benefits on par with the petitioner's batch mates within the time limit that may be stipulated by this Court.

For Petitioner : Mr.Thalaimutharasu
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to call for the records in connection with the impugned order of removal from service passed by the 3rd respondent in his proceedings, dated 07.07.2011 and the same being confirmed on appeal by the 2nd respondent, vide his impugned proceeding, dated 05.05.2012 and the same being modified by the 1st respondent, vide his impugned proceedings, dated 25.08.2014 and to quash all and consequently, to direct the respondents to grant all service and monetary benefits on par with the petitioner's batch mates within the time limit that may be



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stipulated by this Court.

2.The charge against the petitioner is that the petitioner was doing his own duty as well as he was doing other persons' duty and he had signed the other persons' signature as if the other persons have attended the duty. When it was found that the petitioner is forging the other persons' signature, he took the loaded rifle and with a tension, he was running towards the Bungalow, as if he was committing suicide or he was going to attack somebody. Thereby, created chaos and threatened the higher officials. The respondents after conducting an enquiry, had imposed the punishment of removal from service. On appeal, the same was confirmed. On review, the respondents have imposed lesser punishment of stoppage of increment for 2 years with cumulative effect.

3.The contention of the petitioner is that the co-delinquents were imposed a lesser punishment of stoppage of increment for one year without cumulative effect. The same was challenged before the authorities.



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Subsequently, it was challenged in W.P.(MD)No.8872 of 2019 and this Court vide order, dated 08.02.2021, has quashed the said punishment and allowed the writ petition. Therefore, the petitioner prayed to allow this writ petition and to quash the impugned order. However, the same was vehemently opposed by the learned Additional Government Pleader appearing for the respondents by stating that the petitioner has signed like the other co-delinquents and that can never be pardoned.

4.After hearing the rival submissions, this Court is inclined to reduce the punishment alone. If the punishment is completely quashed, the petitioner will have the attitude to continue the same. Hence, the punishment is reduced as one year without cumulative effect.

5.With the above said modification, the writ petition is disposed of. No costs.

Index : Yes / No
Internet : Yes
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