



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15256 of 2021

and

W.M.P. (MD) No.12169 of 2021

WEB COPY

D.Lakshmana Raj

... Petitioner

vs.

- 1.The State of Tamilnadu
rep.by its Secretary to Home Department
Secretariat, Fort St.George
Chennai
- 2.The Director General of Police
Beach Road, Chennai
- 3.The Deputy Inspector General of Police
Tirunelveli Range (Disciplinary Authority)
Tirunelveli
- 4.The Deputy Inspector General of Police
Madurai Range (Enquiry Officer)
Madurai
- 5.I.Eswaran
- 6.M.Chandra Paul
- 7.Rajamanoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents from initiating the disciplinary proceedings against the petitioner relating to the alleged occurrence in S.C.No.195 of 2011, on the file of the Additional Sessions Judge, Tenkasi, in pursuant to the charge memo in P.R.No.118 of 2009 without initiating proceedings against the 5th and 6th respondents.

For Petitioner : Mr.Suresh.R.M.

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1 to R4

Mr.N.Tamil Mani for R5

Mr.R.Murugan for R6



O R D E R

The relief sought for in this writ petition is to forbear the respondents from initiating the disciplinary proceedings against the petitioner relating to the alleged occurrence in S.C.No.195 of 2011, on the file of the Additional Sessions Court, Tenkasi, in pursuant to the charge memo in P.R.No.118 of 2009, without initiating proceedings against the respondents 5 and 6.

2. The petitioner was working as Inspector in the Police Department and retired from service. A criminal case was pending against him in S.C.No.195 of 2011, on the file of the Additional Sessions Court, Tenkasi.

3. This Court is of the opinion that the relief as such sought for by the petitioner is absolutely untenable, on the ground that the employees, including the retired employees, are amenable to the disciplinary jurisdiction either under the Discipline and Appeal Rules or under the Pension Rules, whichever is applicable. Even the Pension Rules contemplate action to be initiated in the particular manner. Rule 8 of the Pension Rules contemplates that the pensioners should maintain a good conduct till they receive pension. Therefore, the relief to forbear the official respondents from initiating departmental disciplinary proceedings against the petitioner cannot be granted, which is unknown to the service jurisprudence. This being the basic principle, the very relief sought for by the petitioner is absolutely a misconceived one and against the general principles of service jurisprudence.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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To:

1.The Secretary to Home Department,
State of Tamilnadu,
Secretariat, Fort St.George,
Chennai.



2.The Director General of Police,
Beach Road, Chennai.

3.The Deputy Inspector General of Police,
Tirunelveli Range (Disciplinary Authority),
Tirunelveli.

4.The Deputy Inspector General of Police,
Madurai Range (Enquiry Officer),
Madurai.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-10920[F] dated 09/03/2022)

+1 CC to M/s.R.MURUGAN, Advocate (SR-11001[F] dated 10/03/2022)

+1 CC to M/s.SPL.GP (SR-10966[F] dated 09/03/2022)

W.P. (MD) No.15256 of 2021

and

W.M.P. (MD) No.12169 of 2021

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MK/18.03.2022/3P/8C