



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.11526 of 2015 and
M.P(MD).No. 1 of 2015

Malhotra Pandian

:Petitioner

..VS..

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Armed Reserve,
Ramanathapuram.

3.The District Superintendent of Police,
District Crime Record Bureau,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorari to call for the records pertaining to the impugned order dated 27.04.2015 in Tha.Pa.No.156/14 passed by the 1st respondent and quash the same.

For Petitioner : Mr. R. Venkatesan

For Respondent : Mrs.D. Farjana Ghoushia
Special Government Pleader

O R D E R

The Writ Petition is filed to call for the records pertaining to the impugned order dated 27.04.2015 made in Tha.Pa.No.156/14 passed by the 1st respondent and quash the same.

2. The petitioner is working as Grade - I constable in the Tamil Nadu Police Department. On 23.08.2014, the charges were issued under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. The charge against the petitioner is while he was doing on dog handler duty along with Head Constable Prasanna on 14.08.2014, he has scolded the said



Head Constable Prasanna with filthy language, threatened other dog handlers of sniffer dogs unit and kicked the plate of the sniffer dog, Rambo while eating.

3. The contention of the petitioner is that the said charge memo was issued by the second respondent, but the third respondent is the competent authority.

4. The respondent had filed a detailed counter and submitted that the petitioner was promoted as Head Constable from the Grade-I Constable and the charge memo was issued under Rule 3(a)

5. Heard the learned counsel for both sides and perused the materials available on record.

6. This Court is of the considered opinion that since the issue was already considered by the State Government to consider the disciplinary proceedings initiated under Rule 3(a) if it is affecting the promotion of the delinquent, the same will be considered by the authority in view of the G.O.Ms.No.559, Police Department, dated 07.12.2021. Hence, the first respondent shall consider the case of the petitioner in the light of the G.O.Ms.No.559 and pass orders within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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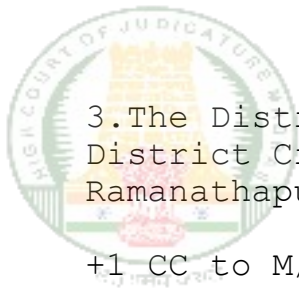
Sub Assistant Registrar(CS)

trp

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Armed Reserve,
Ramanathapuram.



3.The District Superintendent of Police,
District Crime Record Bureau,
Ramanathapuram.

+1 CC to M/s.SPL.GP (SR-1509[F] dated 12/01/2022)

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