



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.03.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.3573 of 2014

and

M.P. (MD)No.1 of 2014

WEB COPY

S.Rajendran

... Petitioner

vs

1. The Director General Of
Police, Dgp Office, Kamarajar Salai,
Chennai - 4.
2. The Commissioner of Police
Madurai City, C.O.P.Office, Madurai,
Madurai District.
3. The Deputy Commissioner of Police,
Law and Order, Madurai City,
Madurai, Madurai District.
4. The Assistant Commissioner of Police,
Prohibition Enforcement Wing,
Madurai City, Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the relating to the 2nd respondents proceedings made in C.No.D1(1)/167/2012, dated 02.04.2013, quash the same and pass any other appropriate orders which may deem fit and proper in the nature and circumstances of the case.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.P.Thambidurai

Government Advocate (Civil side)

O R D E R

This Writ Petition is filed to quash the impugned order, dated 02.04.2013.

2.The brief facts of the case are that the petitioner was serving as Head Constable. While he was serving in D-2 Sellur Law on 05.09.2008 he was suspended from service for the grave charge which is contemplated against the petitioner. On 12.03.2009, the third respondent has issued a Charge Memo that on 31.08.2008 while the petitioner was incharge of Sellur Police Station, one Jagadeesan



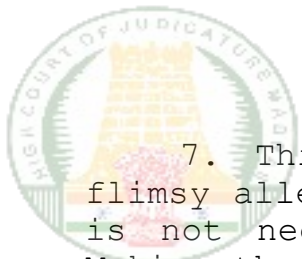
appeared at Sellur Police Station at 15.00 hours and he gave the petition with the knife to the petitioner stating that one Ravichandran made an attempt to stab him and left the knife at the spot and he produced the knife along with the petition to the petitioner. The petitioner carelessly kept the said knife on the Station and left the station to attend some other duty. Two groups led by Andi Thevar and Rajan Baby came to the Police Station, to lodge a complaint against each other. At the Police Station two groups entered into a wordy quarrel and one Kaniraja took the knife which is kept on the table and stabbed the Andi Thevar belonging to the rival group and this exhibited the carelessness in the petitioner's duty. The fourth respondent was the nominated Enquiry Officer and during the preliminary enquiry, the fourth respondent has obtained the petitioner's statement. The petitioner has raised several contention and the same are pointed out in his further representation dated 29.12.2009. The third respondent who is the punishing authority imposed the punishment of postponement of increment for two years with cumulative effect.

3. The contention of the petitioner is that it is a non-speaking order. The petitioner has preferred an appeal before the second respondent, dated 21.05.2010 and the appeal was dismissed. Aggrieved over the same, the petitioner has preferred a writ petition in W.P.(MD)No.12386 of 2011 and this Court, vide order, dated 01.11.2011 dismissed the writ petition. The petitioner has preferred a writ appeal in W.A.(MD)No.1519 of 2011 and this Court, vide order, dated 19.12.2011, set aside the order passed by the second respondent and remitted back for the fresh consideration. Again, without going into the merits of the allegation and the explanation submitted by the petitioner, the same order was passed. Aggrieved over the same, the present writ petition is filed.

4. The respondents have not filed any counter affidavit but relied on the particulars of the proceedings that has taken place prior to filing the writ petition.

5. Heard Mr.R.Sundar, learned Counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for the respondents.

6. The contention of the petitioner is that the complainant, namely, Jagadeesan appeared before the Police Station and has given a petition along with the knife stating that one Ravichandran has attempted to stab him. The said Jagadeesan has left the knife along with the petition. In the meanwhile, the rival groups led by Andi Thevar and Rajam Baby has quarreled before the authorities and has taken the knife and stabbed the Andi Thevar. The allegation against the petitioner is that if the knife is not kept on the table, the stabbing on the Andi Thevar would not have been occurred.



7. This Court is of the considered opinion that this is a flimsy allegation against the petitioner. If any knife is kept, it is not necessary that the person should stab the other person. Making the petitioner liable for the quarrel between the two groups may not be appropriate. Moreover, the punishment for this allegation is disproportionate. Therefore, this Court is inclined to reduce the punishment from stoppage of increment for two years with cumulative effect as stoppage of increment for six months without cumulative effect. The respondents are directed to implement the said order within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

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

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W.P.(MD)No.3573 of 2014

+1 CC to M/s.R.SUNDAR, Advocate (SR-15282[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15340[F] dated 30/03/2022)

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NA (CO)

KB(19.04.2022) 4P 7C