



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM :

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.1556 of 2015

Selvaraj

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Department of Home,
Fort St.George,
Chennai.

2.The Director General of Police,
Radha Krishna Salai,
Chepauk, Chennai.

3.The Commissioner of Police,
Madurai City,
Madurai.

4.The Deputy Commissioner of Police,
Armed Reserve Police,
Madurai City,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in G.O.(2D)No.412 dated 20.11.2014 confirming the revision order passed by the second respondent in R.C.No.11390/AP2 (3)/ 2009 dated 13.03.2009 continuing the punishment order passed in PR 247/2005 dated 28.05.2007 by the fourth respondent quash the same and consequently direct the respondents to disburse all other consequential service and monetary benefits to the petitioner within the stipulated time.

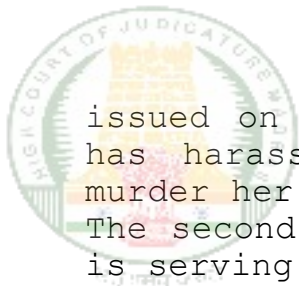
For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.N.Ramesh Arumugam

Government Advocate (Civil Side)

O R D E R

The petitioner is appointed as Grade I Police Constable in the year 1999. Now, he is working as Head Constable at Teppakulam Police Station. The petitioner was suspended on 13.06.2005. The memo was



issued on 23.08.2005 alleging two charges. The first charge is he has harassed his wife demanding dowry and further attempted to murder her by pouring kerosene on her body with the aid of his aunt. The second charge is illicit intimacy with another Police woman who is serving in the armed Reserve Police.

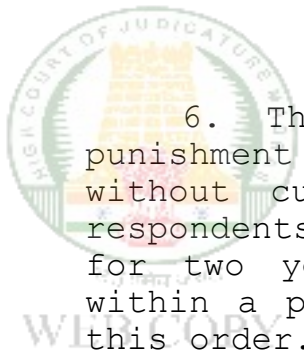
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2. A criminal complaint was registered against the petitioner in Crime No.20 of 2005 under Seciton 307, 498 (A) 406 of IPC and 3 and 4 of Dowry Prohibition Act, based on the complaint given by his ex wife namely Ponmani. Thereafter, the petitioner was arrested on 12.06.2005 and was remanded, the petitioner was placed under suspension until 23.06.2006 followed by departmental enquiry. In the enquiry, charge 1 was proved and the second charge was disproved. Enquiry report was served to the petitioner on 12.07.2006. In the mean time, the petitioner was reinstated in the service on 20.03.2006. The petitioner submitted an explanation, the fourth respondent imposed a punishment of reduction in times scale of pay in two stages for the period of two years without cumulative effect. In the mean time, the Criminal Case was registered against the petitioner and the case was ended in acquittal vide order dated 06.09.2008. The petitioner preferred representation to reconsider the punishment order in the light of the judgment, the same was dismissed. Aggrieved over the petitioner has preferred this writ petition.

3. The respondents filed a counter stating that the petitioner has not preferred any appeal however preferred review petition through the Director General of Police. The petitioner preferred W.P.(MD).No.3114 of 2014 requesting to dispose of the review petition dated 26.11.2012. This Court vide order dated 24.02.2014 directed the respondents to pass an order within a period of three months. Thereafter the respondents have considered the review petition and rejected the petition in G.O (2D) No.412 Home (Police VI) Department dated 20.11.2014. The Government has considered and pass an order after considering his grounds and there is no infirmity in the order. In criminal case the wife turned hostile and the case ended up in acquittal. In criminal case strict evidence is necessary. But in disciplinary proceedings it is enough if there is preponderance of probability. Therefore considering the evidence on record, the punishment was imposed.

4. Heard the learned Counsel for both the sides and perused the materials on record.

5. The allegation against the petitioner is dowry harasssment. The petition was preferred by his wife before the police. In criminal case, the petitioner's wife turn hostile. Therefore, the criminal Court acquitted the petitioner. Considering all these things, the punishment imposed of reduction time scale of pay is disappropriate and hitting the conscious of the Court.



6. Therefore, this Court is of the considered view the punishment shall be modified as stoppage of increment for two years without cumulative effect. Therefore, this court directing the respondents to modify the punishment as the stoppage of increment for two years without cumulative effect and implement the same within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Principal Secretary to the Government,
Department of Home,
Fort St.George,Chennai.

2.The Director General of Police,
Radha Krishna Salai,
Chepauk, Chennai.

3.The Commissioner of Police,
Madurai City, Madurai.

4.The Deputy Commissioner of Police,
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Madurai City, Madurai.

+1 CC to M/s.SPL.GP (SR-2036[F] dated 21/01/2022)

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-1992[F] dated 21/01/2022)

W.P(MD)No.1556 of 2015
20.01.2022