



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

**W.P(MD) No.5278 of 2016
and
W.M.P(MD) .No. 4770 of 2016**

P.Sankaranarayanan

... Petitioner

..VS..

1. The Government of Tamil Nadu,
represented by its Secretary to Home Department,
Fort St.George,
Chennai - 600 009.

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

3.The Deputy Inspector General of Police,
O/o. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

4.The Superintendent of Police,
O/o. the Superintendent of Police,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in G.O.(2D)No.130 dated 06.04.2015 and quash the same and consequently, direct the second and third respondents to provide the arrears of salary to the punishment period and revise the service seniority and give the notional promotion for the post of Inspector of Police from 2009 to the petitioner.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate (Civil side)



O R D E R

The Writ Petition is filed to call for the records pertaining to the impugned order passed by the first respondent in G.O.(2D) No.130 dated 06.04.2015 and quash the same and consequently, direct the second and third respondents to provide the arrears of salary to the punishment period and revise the service seniority and give the notional promotion for the post of Inspector of Police from 2009 to the petitioner.

2. The petitioner is a retired Sub-Inspector in the Police Department. The charge against the petitioner is that the petitioner favoured a complainant and did not take proper action over another complaint. Hence, departmental enquiry was initiated and awarded punishment of "Postponement of increment for two years without cumulative effect".

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 one Jeyapaul and an Advocate Rajapogal are having tractors and they are using the tractors for illegal sand quarrying in their area. Due to illegal sand smuggling, ill feelings prevailed in between the said Jayapaul and Rajagopal. On 20.04.2008, the said Rajagopal with henchmen went to Thangamani's house and assaulted him with stick and both of them assaulted each other. Both of them were sent to the Government Hospital and treated as outpatient. On 20.04.2008, the petitioner registered a case on the complaint of Rajagopal against the said Thangamani. But, no case was registered on the complaint of Thangamani. The respondents submitted that the petitioner had failed to register a case and favoured for one complainant and did not take proper action over the other complaint. Hence, the petitioner was dealt with on departmental enquiry and awarded the punishment 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 (P&A)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

To

1. The Government of Tamil Nadu,
represented by its Secretary to Home Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.
- 3.The Deputy Inspector General of Police,
O/o. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.
- 4.The Superintendent of Police,
O/o. the Superintendent of Police,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-13452[F] dated 22/03/2022)

W.P (MD) No.5278 of 2016
21.03.2022

RK(19/04/2022) 3P 6C