



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.3075 of 2018

C.Rajamohan

.. Petitioner

Vs.

1.The Principal Secretary to Government
Home (Police VI) Department,
Fort St. George,
Secretariat,
Chennai.

Removed from the cause title as per the
order made in W.M.P.No.18050/2019 dated
08.08.2019.

2.The Director General of Police,
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Chennai – 600 005.

3.The Deputy Commissioner of Police,
Traffic (North)
Chennai.

4.The Additional Commissioner of Police,
Traffic Zone,
Chennai – 600 007.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 3rd respondent in Final Order No.P.R.68/Tr.P.R/2013 dated 25.06.2014 and to quash the same and consequently direct the respondents to reinstate the petitioner to continue his service.

For Petitioner .. Mr.S. Prem Rajkumar

For Respondents .. Mr.R.Neethi Perumal, Govt. Advocate

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order of the 3rd respondent, the Deputy Commissioner of Police, Traffic (North), Chennai dated 25.06.2014 and to quash the same and to direct the respondent to reinstate the petitioner with continuity of service.

2.In the affidavit filed in support of the writ petition, the petitioner had stated that he joined Police Department and was working there for nearly 12 years. He was working in the year 2014 in M-6, Manali Traffic Police Station. On 09.07.2013, a charge memo had been issued to him by



the 4th respondent, the Additional Commissioner of Police, Traffic Zone, Chennai – 600 007 under Rule 3(b) in P.R.No.68/2013. An enquiry was conducted by the Assistant Commissioner of Traffic Wing (West), Anna Nagar, Chennai. The enquiry report dated 06.04.2014 was forwarded to the 3rd respondent, the Deputy Commissioner of Police, Traffic (North), Chennai. The 3rd respondent passed the impugned order, holding that the petitioner is compulsorily retired from service. Questioning that particular order, the present writ petition has been filed.

3. There were three charges, which had been levelled against the petitioner herein. The first charge was that he had demanded dowry from the parents of his wife and thereby violated Rule 4(5)(i)(ii) of the Tamil Nadu Police Conduct Rules 1964. The second charge was that he left his marital house along with another lady, who was the wife of his own colleague and was absent from duty without any information and therefore, violated Rule 23(1) of the Tamil Nadu Police Conduct Rules, 1964. The third charge was that on the complaint of his wife, that he had left the marital house with another lady, he had appeared for enquiry before M-6, Manali Police Station and had given an undertaking that he would continue to live with his wife,



but had breached that particular undertaking and it was alleged that such behaviour was against the disciplined force and violation of Rule 23(2) of the Tamil Nadu Police Conduct Rules, 1964. During the enquiry, the petitioner had appeared in person.

4. On the side of the respondents, to substantiate all the three charges as many as six witnesses were examined. They were the wife of the petitioner, the lady with whom, it was alleged that he had moved away and the husband of the said lady, who was also a police constable and who was living in the opposite quarters to that of the petitioner and the Inspector of Police, M-6 Manali Police Station and the Sub-Inspector of Police, Madavaram Traffic and the Junior Assistant who working in the Police Department. The respondent also relied on as many as nine documents. They included the complaint given by the wife of the petitioner, the FIR in Crime No.1157 of 2012 dated 09.06.2012, registered consequent to such complaint, a further complaint given by the wife of the petitioner dated 19.06.2012, the statement given by the lady with whom the petitioner had moved away dated 19.06.2012, the statement of the petitioner dated 19.06.2012, the enquiry report of the Assistant Commissioner of Police,



Madavaram Traffic Police Unit, the explanation of the petitioner during the enquiry procedure, and the explanation of the wife of the petitioner and the enquiry report of the Assistant Commissioner, Traffic (North) dated 04.11.2012.

5. There has been no complaint by the petitioner herein during and no arguments had been advanced, that the petitioner was denied opportunity of either making a statement on his behalf or in cross examining the witnesses produced on behalf of the respondents during the enquiry proceedings.

6. The learned counsel for the petitioner placed reliance on a statement made during the cross-examination and stated that the demand for dowry was after a period of six years from the date of marriage and therefore claimed that it was unbelievable that the dowry would have been demanded at such period of time. It is also contended by the learned counsel that the wife of the petitioner had given only a complaint of man missing and had not given any further allegations. It had also been stated by the learned counsel that the lady with whom the petitioner is supposed to have moved away was an illiterate lady, who did not know how to write and read and she



had admitted during cross-examination that the statement given by her was actually written by somebody else and that she had only signed it, and further stated that she did not read it. It was only natural that she could not read it, since she could not read.

7.It is also contended by the learned counsel for the petitioner that subsequently, the petitioner's wife had also given a statement that, after all the incidents, that she is living with the petitioner. But during the opening arguments when sought whether the petitioner and his wife were living together, the learned counsel had made a categorical statement that the petitioner had been separated from his wife.

8.It is seen that on appreciation of the entire evidence produced, the respondents had given a definite conclusion that the allegations against the petitioner stood proved.

9.It is also stated on behalf of the respondents that there were nine earlier instances when the petitioner had deserted the police force and had been declared as a compulsory absentee. But it was stated that the said



factor did not play on the decision making with respect to the punishment imposed and therefore, it is contended that the punishment was imposed with appreciation of evidence in an extremely unbiased manner. No prejudice was placed against the petitioner owing to his past conduct. On the basis of the evidence recorded, the enquiry officer had held that the allegations stood proved. It was held proved that the petitioner had actually demanded purchase of a motorbike. It had been explained by his wife during evidence that it was so demanded even at the time of marriage, but at that time, her family was in penury condition and could not afford to buy a motorbike and thereafter, continuously he made the same demand not only to his wife, but also to his in-laws.

10. With respect to moving away with another lady, the husband of the said lady was also examined as a witness who stated that his wife had actually moved away with the petitioner herein.

11. The learned counsel for the respondents had insisted that the Police Department expects discipline not only while wearing the uniform but also otherwise. The discipline would also involve in maintaining a strict



code of conduct not only to his family members but to other members of the society. Unless in private he is disciplined, he would not be disciplined while discharging official duty. Therefore, in order to keep up the credential of the police force, the punishment was imposed by the 3rd respondent.

12.It is also contended by the respondents that an appeal remedy was available but the petitioner had taken a conscious decision not to file any appeal. After a period of two years, he had preferred a mercy petition before the Director General of Police, who, after examining the entire records had thought it fit that it should be rejected.

13.These are findings on fact. This Court is not sitting in appeal with the findings of the enquiry officer or as an appellate authority over the punishment imposed by the 3rd respondent. The petitioner had an opportunity to file such an appeal and no reason has been given as to why for two years, he not preferred such appeal. There is also no reason given as to why, while tendering a mercy petition, he had not sought leave and liberty to file an appeal. The petitioner cannot act as and how he wants while serving in disciplined force. There must be some sanctity for the



uniform he wears and there must be some dignity for the badge he wears.

The petitioner has deserted all values. I am not convinced with the arguments advanced by the learned counsel for the petitioner. Accordingly, this writ petition stands dismissed. No costs.

21.09.2023

smv

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking order: Yes/No

To

1. The Director General of Police,
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Chennai – 600 005.
2. The Deputy Commissioner of Police,
Traffic (North)
Chennai.
3. The Additional Commissioner of Police,
Traffic Zone,
Chennai – 600 007.



WEB COPY



10

C.V.KARTHIKEYAN,J.

smv

W.P.No.3075 of 2018

21.09.2023