



W.P.No.25254 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P.No.25254 of 2011
and
M.P.Nos.1 and 2 of 2011**

P.Udayakumar
S/o.Panchatcharam

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. by Secretary to Government
Home Department
Fort St.George
Chennai-600 009.
2. The Director General of Police
Mylapore,
Chennai-600 004.
3. The Deputy Inspector of General
Armed Force
Kilpauk,
Chennai-600 010.
4. The Superintendent of Police
Tamil Nadu Special force
Veerapuram
Chennai-600 055.



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5. The Commandant
Tamil Nadu Special Force
Poonamallee
Chennai-600 056.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records in respect of the 4th respondent vide impugned order No.PR.07/2009 u/r. 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rule 1955, dated 08.06.2009 and 5th respondent vide impugned order No.Thi.Pa.No.07/2009 u/r 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rule 1955, order 381/2009 dated 10.06.2009 and quash the same.

For Petitioner	:	No representation
For Respondents	:	Mr.T.K.Saravanan Government Advocate

ORDER

This writ petition is filed challenging the impugned order dated 10.06.2009, in and by which, the punishment imposed on the petitioner removing him from service was communicated to him. The petitioner was a Grade-I Police Constable and he deserted service with effect from 18.12.2008, he did not give any valid explanation and therefore, a charge memo had been issued against him. The explanation of the petitioner was



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that he was unwell and was also suffering from Tuberculosis and was taking treatment in Vellore CMC. Considering the fact that he was an Ex-service man and was granted the employment by taking into account of his Higher Secondary qualification, the explanation was rejected stating that he should have applied for appropriate leave or informed the authorities. On that basis, the punishment has been imposed. As a matter of fact, the petitioner also preferred a mercy petition, which was rejected by the Government. Aggrieved by the order of punishment, the present writ petition is filed.

2. It is the contention of the petitioner that the punishment would amount to permanent black mark on his service. The disciplinary proceedings were initiated wantonly without any proper reasons. The petitioner contends that as per Standing Order No.94 Class-I, warning etc., should be given and straight away the punishment should not have been passed. The respondents did not consider the Medical Certificates produced by the petitioner.



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3. When the Disciplinary Authority, after taking into account, the facts and circumstances of the case and by considering the relevant facts, came to a conclusion and imposed the punishment, in a judicial review, unless the petitioner points out any violation of Rules or principles of law or the finding of the Disciplinary Authority is perverse or if the punishment is so disproportionate to the alleged misconduct so as to shock the conscience of the Court, this Court cannot interfere. I have extracted the grounds of attack made by the petitioner in respect of the impugned order. None of the grounds are tenable and the petitioner has not made out any case to interfere. The petitioner has filed the writ petition when he was 51 years of age and now he is 63 years of age.

4. In view of all the above, W.P.No.25254 of 2011 stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index:Yes
Speaking order
Neutral Citation : No
mk



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D.BHARATHA CHAKRAVARTHY.J.,

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