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W.P.No.4232 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.11.2023**

CORAM :

**THE HON'BLE Ms. JUSTICE R.N. MANJULA**

W.P.No.4232 of 2020

V.Rajan

... Petitioner

Versus

1. Director General of Police,  
Law & Order, Chennai – 600 004.

2. The Joint Commissioner of Police,  
Traffic (South),  
Chennai – 600 007.

... Respondents

[ R2 cause title amended vide Order dt. 28.07.2022  
made in W.P.11037/2022]

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent herein in his proceedings Tha.Pa.No.53/H1/2015 u/r.3(b), dated 12.08.2016 and confirmed by the first respondent herein in his proceedings R.C.No.118206/AP 2(2)/2019, dated 25.05.2019 and quash the same.

For Petitioner : Mr. G. Bala

For Respondents : Mr. P. Sanjai Gandhi,  
Government Advocate

**ORDER**

This Writ Petition has been filed with a prayer to call for the records relating to the impugned order passed by the second respondent in



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proceedings Tha.Pa.No.53/H1/2015 u/r.3(b), dated 12.08.2016 and confirmed by the first respondent by order dated 25.05.2019 and to quash the same.

2.The brief facts of the case are that a Charge memorandum was issued against the petitioner while he was working as a Special Sub-Inspector of Police at Athur Police Station, while registering the case in Crime No.291 of 2015 under Section 124 of Cr.P.C., wherein an information of an unnatural death committing suicide by consuming poison was recorded, at the time of taking body for postmortem, the writ petitioner demanded a bribe of Rs.5,000/- for himself and Rs.10,000/- to the Inspector of Police and threatened the de-facto complainant that he would alter the case as murder, if the bribe amount was not given to him.

3.The petitioner denied the charge and thereafter an enquiry officer was appointed. Before the Enquiry Officer, six witnesses were examined and ten documents were marked and on the basis the enquiry officer submitted a report on 09.07.2016, holding that the Charge was proved. The Enquiry Report was forwarded to the petitioner and upon consideration of



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his further explanation. The Disciplinary Authority passed the order dated 12.08.2016, imposing a punishment of increment cut for a period of three years with cumulative effect. Aggrieved by the same, the petitioner filed an appeal before the first respondent. The first respondent considered the grounds of the appeal and by order dated 25.05.2019, rejected the appeal and confirmed the punishment. Against which, the present Writ Petition is filed before this Court.

4.The impugned orders are challenged on the ground that the complaint was motivated. Further, P.W.2 had also not supported the Enquiry Officer in the prosecution case. The Enquiry Officer has not made his findings on any acceptable evidence. Both the Disciplinary Authority and the Appellate Authority also failed to consider the defense points.

5.The writ petition was resisted by the respondents, by filing a counter affidavit.

6.It is the submission of the respondents that the appropriate punishment was imposed after considering the evidence on record and it



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cannot be said that the punishment is perverse or without any evidence.

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Considering the 31 years of service put in by the petitioner a lenient punishment; Otherwise, capital punishment would have been imposed on the petitioner.

7.Heard Mr. G. Bala, learned counsel for the petitioner and Mr. P. Sanjay Gandhi, learned Government Advocate appearing for the respondents and perused the material available on records.

8.The learned counsel for the petitioner submitted firstly, when the petitioner was already 55 years with 31 years long service and hence, imposing the punishment of postponing the increment with cumulative effect for a period of three years is unduly harsh. Secondly, the punishment was imposed basing on premises and surmises without proper evidence.

9.Perusal of the enquiry report, it would show that one Pachaiyappan, who was examined as P.W.1 has categorically deposed about the demand of Rs.5,000/- and Rs.10,000/-. Therefore, it cannot be said because P.W.2 did not support the case of the respondents. When the



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enquiry officer has duly conducted the enquiry in accordance with the rules and when the petitioner is unable to point out any violation of rules. It cannot be said that the order has been passed with adequate evidence. The findings can be interfered only if the entire order is perverse.

10. In the instant case, there is due application of minds and also all the grounds raised by the petitioner have been considered on merits and is rejected.

11. In that view of the matter, especially, when the punishment of increment cut with cumulative effect for a period of three years it cannot be said as disproportionate. They themselves have shown the leniency in the matter of punishment by taking into account of long number of years service put in by the petitioner. Hence, I find no reason for interference. Accordingly, the Writ Petition is dismissed. No costs.

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Index : Yes/No  
Speaking / Non-Speaking order  
Neutral Citation : Yes/No

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**R.N. MANJULA, J.**

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To:

The Director General of Police,  
Law & Order, Chennai – 600 004.

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