



W.P.No.4909 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4909 of 2013

and

M.P.No.1 of 2013

R.Sathyanarayanamoorthy

....

Petitioner

Vs

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

2. The Deputy Inspector General of Police,
Vellore Range,
Tolgate, Vellore, Vellore District.

3. Principal Secretary to Government,
Home Department,
Secretariat, Chennai.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for records relating to impugned order in மா.ஆ.எண்.861/2012 ந.க.எண்.எச்.2/த.ப/64/2012, dated 17.10.2012 on the file of the first respondent and quash the same.

For Petitioner : Mr.P.Ganapathy

For Respondents : Mr.M.P.Murugan Raja
Government Advocate



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ORDER

This Writ Petition has been filed challenging the order dated

17.10.2012 passed in மா.ஆ.எண்.861/2012 ந.க.எண்.எச்.2/த.ப/64/2012, by the first respondent, thereby reduction in time scale of pay by one stage for one year and the period of reduction shall operate to postpone his future increments.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. The petitioner had joined as Police Constable Grade-II on 15.09.1980 and he was promoted as Special Sub Inspector of Police on 17.01.2010. The petitioner failed to register the FIR immediately and failed to secure the accused and he allowed the accused to obtain anticipatory bail. Further he unauthorisedly absent from 20.05.2012 to 03.06.2012. He also failed to report on 11.05.2012 after completion of his training and he reported duty only on 12.05.2012. Therefore, he was charged for five charges and after serving show cause notice, the petitioner submitted his explanation. Without being satisfied with the



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explanation submitted by the petitioner, a domestic enquiry was conducted. Thereafter, the first respondent passed final order and thereby reduction in time scale of pay by one stage for one year and the period of reduction shall operate to postpone his future increments. Aggrieved by the same, the petitioner preferred this writ petition.

4. The learned counsel appearing for the petitioner would submit that all the charges are flimsy in nature and he suffered with heart ailments and as such he could not able to report for duty from 20.05.2012 to 03.06.2012. Further he submitted medical leave application with all records. Insofar as the registration of the FIR belatedly is concerned, the defacto complainant was issued with CSR and after conducting enquiry FIR was registered. Therefore, the first respondent ought not to have ordered for reduction in time scale of pay in one stage for one year.

5. The learned counsel appearing for the respondents would submit that aggrieved by the order of the first respondent, the petitioner preferred an appeal before the second respondent and the same was also dismissed. Therefore, already the Appellate Authority i.e., the



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second respondent confirmed the order of punishment imposed by the first respondent.

6. On perusal of charges levelled as against the petitioner is that he failed to register the FIR for the occurrence took place on 08.04.2012. On the same day, the victim sustained grievous injuries. However, FIR in Crime No.154 of 2012 has been registered only on 10.04.2012 for the offences under Sections 294(b), 323 and 324 of IPC and he also failed to secure the accused. The second charge was that the occurrence had taken place on 09.04.2012 and the defacto complainant was issued CSR and thereafter only on 13.04.2012 he registered the FIR in Crime No.159 of 2012 for the offences under Sections 294(b) and 323 of IPC. The third charge was that the petitioner was undergone training from 08.05.2012 to 10.05.2012. However, he failed to report duty on 11.05.2012. He joined duty only on 12.05.2012. Further, as far as the fourth charge is concerned, the petitioner was absent from 20.05.2012 to 03.06.2012. Subsequently, he applied medical leave with all medical certificate as that he was undergone heart ailment treatment. All the charges found proved and he was punished with reduction in time scale



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of pay by one stage for one year and the period of reduction shall operate to postpone his future increments. Aggrieved by the same, the petitioner also preferred an appeal and the same was also dismissed and the order of the first respondent was confirmed. So far, no review was filed before the third respondent.

7. Therefore, this Court finds no infirmity or illegality in the order dated 17.10.2012 passed in மா.ஆ.எண்.861/2012 ந.க.எண்.எச்.2/த.ப/64/2012, by the first respondent and the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Lpp

To



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Thiruvannamalai.

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3. Principal Secretary to Government,
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G.K.ILANTHIRAIYAN, J.



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