



WEB COPY



W.P.No.8377 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.8377 of 2013

S.Muthusamy

.... Petitioner

-Vs-

1.The Principal Secretary to Government
Home (Police-VI) Department
Secretariat, Chennai-9.

2.The Director General of Police
Tamil Nadu, Chennai-4.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 2nd respondent herein passed in his Rc.No.80742/AP.2(1)/2007 dated 30.8.2007 in so far as imposing a modified punishment of reduction in time scale of pay by 2 stages for one year without cumulative effect and the consequential order passed by the 1st respt. herein in G.O(2D) No.426 Home(Police-VI) Dept. dated 10.12.2012 rejecting the petitioners review petition dated 25.4.2012 and quash the same and consequently direct the respondents herein to grant all other consequential service and monetary benefits withheld due to the modified punishment.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mr.K.Tippu Sultan, Government Advocate



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ORDER

The petitioner one Muthusamy was working with the Tamil Nadu Police in Tirunelveli District. He had, along with one Murugan participated in auction of IMFL shops. He had also paid demand draft amounting to Rs.4,60,500/- and also obtained Rs.1,00,000/- from the said Murugan. On enquiry, it was found that the charges were proved and he was dismissed from service by the Deputy Superintendent of Police, Tirunelveli.

2. The petitioner filed an appeal before the Deputy Inspector General of Police, Tirunelveli Range, who also rejected the same by order dated 13.01.2006. On an official memorandum submitted under Rule 15 of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, it was reduced to reduction in time scale of pay by two stages for one year without cumulative effect. This order was passed by the Director General of Police on 30.08.2007. Not being satisfied with the dismissal from service being modified to reduction in time scale of pay, the petitioner has filed a review petition before the Government.

3. The prayer in the writ petition is to dispose of the review that was filed on 25.04.2012. The Government, by its order dated 10.12.2012 had dismissed the review petition. Challenging the same, the present writ petition has been presented.



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4. I feel that, for the charges that have been proved as against the petitioner, the Director General of Police has taken an extremely lenient view. It is not expected of a police officer to participate in a liquor auction. Be that as it may. The order of the Director General of Police has not been put to challenge before me. I only have to say that if the order of the Director General of Police as confirmed by the Government is not vitiated and it needs to be confirmed. The Government has carefully and independently gone through the records and came to the conclusion that the modification of the punishment is proportionate.

5. I do not find any reason to differ from the view taken by the Government. Hence, the writ petition is dismissed. No costs.

19.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST



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V. LAKSHMINARAYANAN, J.

KST

To

- 1.The Principal Secretary to Government
Home (Police-VI) Department,
Secretariat, Chennai-9.
- 2.The Director General of Police
Tamil Nadu, Chennai-4.

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