



W.A.No.982 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.982 of 2019

and

W.M.P.No.7330 of 2019

1.The District General of Police,
Chennai – 600 004.

2.The Commissioner of Police,
Chennai – 600 007.

3.The Deputy Commissioner of Police,
Armed Reserve-I,
Chennai.

...Appellants

Vs.

R.Gopinath

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.12.2016 made in W.P.No.16676 of 2014.

For Appellants : Mr.G.Nanmaran
Special Government Pleader

For Respondent : M/s.G.Bala & Daisy



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J U D G M E N T

WEB COPY (Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appeal is at the instance of the State challenging the order of the Writ Court directing reinstatement of the respondent in service with all monetary benefits on the conclusion that the findings of the enquiry officer and the disciplinary authority are based on surmises and conjectures.

2.The respondent, who was working as a Constable in the Tamil Nadu Police Force was charge sheeted for involvement in a criminal case and for unauthorized absence. The fact that the respondent was implicated in a criminal case is admitted. Though the Trial Court convicted him, on appeal, the Trial Court found that the very case is a foisted case which had falsely implicated the respondent. This finding of the criminal Court has become final and it has not been challenged in a manner known to law. Apart from the said finding of the criminal Court, the complainant in the criminal case appeared before the enquiry officer and deposed that the respondent was not involved in the crime and he has been implicated falsely.



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3.Despite such evidence, the Enquiry Officer, returned a finding of guilt, which became the basis for imposition of punishment. The respondent's appeal was also rejected by the Appellate Authority resulting in the Writ Petition. The Writ Court had held taht once it is found that the very criminal case is a foisted case, the very basis of the charge disappears and therefore, the finding in the departmental enquiry cannot be sustained.

4.No doubt, a contention that the standard of proof required for the departmental enquiry is much lesser than the proceedings before the Criminal Court. The said principle cannot be invoked in the case on hand, since the criminal court has found that the case was falsely foisted against the respondent. The said finding having become final, it will not lie the mouth of the appellant state to contend that the respondent was still involved in the case of robbery.

5.We therefore, do not find any merit in the appeal and the order of the Writ Court is sustained. The appeal is dismissed as devoid of merits.



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There will be a direction to the respondent to reinstate the petitioner within a period of two months from the date of receipt of a copy of this order and pay all the benefits within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (S.S.K.,J.)
20.01.2023

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Internet:Yes
Index:No
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