



W.P.(MD)No.4867 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4867 of 2020

and

W.M.P.(MD)Nos.4246 of 2020 & 15718 of 2021

P.Suthakar

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

2.The Deputy Inspector General of Police,
Ramnathapuram Range,
Ramnathapuram.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramnathapuram District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent, dated 28.01.2020 in C.No.B1/Appeal 03/2020 confirming the order of the third respondent dated 19.12.2019 and quash the same and consequently directing the respondents to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.S.Ramsundarvijayaraj,
for M/s.Veera Associates

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order of the second respondent, dated 28.01.2020 in C.No.B1/Appeal 03/2020 confirming the order of the third respondent, dated 19.12.2019 and consequently, direct the respondents to reinstate the petitioner in service with all consequential benefits.



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2. The learned counsel for the petitioner submitted that the petitioner was appointed as Grade I Constable in the year 2002 and posted for training in the Armed Reserve, Thoothukudi and subsequently, in the year 2004, he was transferred to Palani Battalion and subsequently, in the year 2008, he was transferred to Madurai District Armed Reserve and posted in the Elumalai Police Station in the year 2010. In the year 2011, again, he was transferred to the Armed Reserve Police, Theni and subsequently, he was promoted as a Grade-I Constable in the year 2012 and posted in the Thevaram Police Station and Bodi Taluk Police Station, respectively. In the year 2017, he was further promoted as a Head Constable and while he was working in Kumuli Police Station and subsequently, transferred to the Parthibanur Police Station of Ramanathapuram District. While he was working as Head Constable in the Parthibanur Police Station, he availed 15 days leave for his son's medical assistance in his native Kullapagoundanpatti and at that time, one N.M.Samy, who is a native of the petitioner's village, gave a complaint against the petitioner and his wife and his Assistant Pandiarajan, at Koodalur South Police Station, alleging that the



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petitioner had illegal relationship with his wife with the support of his assistant Pandiarajan, as he being the cardiac patient, his wife gave extra dosage of medicine, due to which, he had a bleeding and further, arranged the hooligan to assault him by paying Rs.3,00,000/- (Rupees Three Lakhs only), in which, at the instigation of P.W.1/N.M.Sami, a case was registered in Crime No.55 of 2018, on the file of Koodalur Police Station, for the offences under Sections 120(b), 307 and 109 IPC. Subsequently, they filed a charge sheet and the criminal case is pending before the Court of law.

3. Prior to that, for the above said allegations, the petitioner was suspended from service on 05.04.2018 and subsequently, a charge-memo was issued under 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, in which, two charges were framed. After issuing a charge memo, the Deputy Superintendent of Police, Kamuthi, was appointed as an Enquiry Officer in PR.No.60 of 2018 under Rule 3(b) and the prosecution examined 7 witnesses and marked Ex.P.1 to Ex.P.17 and submitted an enquiry report and has drawn a proven minute against the petitioner on 26.06.2019. Based on the above said proven



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minute, after receipt of the enquiry report, the petitioner submitted a detailed explanation on 13.09.2019, explaining all the above said facts to the third respondent and he specifically pleaded that he has not involved in any criminal case and requested to drop all further proceedings against the petitioner. However, without considering the same, the second respondent called for second explanation from the petitioner by enclosing the minutes of the Enquiry Officer proceedings, dated 26.06.2019 and the petitioner further submitted a detailed explanation on 13.09.2019 and thereafter, the third respondent imposed a major punishment of dismissal from service on 19.12.2019. Aggrieved by the same, the petitioner preferred an appeal before the second respondent on 06.01.2020, however, without considering the same, the second respondent confirmed the order passed by the third respondent. As against the concurrent findings, the present writ petition is filed with the aforesaid prayer.

4. The learned counsel for the petitioner submitted that though adultery is not an offence as per the order of the Hon'ble Apex Court, even the adultery is not proved before the Enquiry Officer and further P.W.1



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himself had admitted in his cross examination with regard to the increase of dosage of the tablet, in which, it is specifically stated that he only took the tablet and his wife is not having any assistance in giving tablets to P.W.1.

5. When such being the case, drawing of proven minute by the Enquiry Officer as such in respect of the above said charge, is not sustainable one. Further, no document was produced during the enquiry for involving the adultery and the petitioner and P.W.1 belong to same village. With regard to previous motive, he falsely implicated the petitioner in the above said case, which is not sustainable one. Further, the alleged hooligan arranged by the petitioner was not established before the Enquiry Officer. Further, the charge against the petitioner is that the petitioner and P.W.1's wife Suganthi engaged henchman for finishing the life of P.W.1, by paying Rs.3,00,000/-. Though an FIR was registered and subsequently charge sheet was filed, however, no evidence was adduced before the Enquiry Officer in order to substantiate the charges. Hence, the minute drawn by the Enquiry Officer is not sustainable one and based on the the proven minute, the disciplinary authority imposed a major punishment of dismissal from



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service and it is not sustainable one and if at all, if there is any allegations with regard to illegal relationship, they have to impose a minimum punishment and not a major punishment of removal from service. Accordingly, he prayed for allowing the writ petition.

6. Per contra, the learned Additional Government Pleader submitted that the petitioner who is a native of Kullappa Goundanpatti in Theni District was enlisted as Grade II Police Constable on 01.03.2022 and was received on transfer to Ramanathapuram District as Head Constable during the year 2017 and then posted to Parthibanur Police Station and he went on medical leave during March 2018. On 03.04.2018, the third respondent sent a report stating that the petitioner had been in illicit intimacy with a married woman Suganthi and attempting the life of her husband by name N.M.Sami, a chronic patient of cardiac problem, by administering excessive dosage of drugs in collusion with Suganthi and one Pandiarajan and that a criminal case in Theni District Gudalur South Police Station Crime No.55 of 2018 was registered on 25.03.2018. The petitioner was arrested and sent for remand in the above case on 24.03.2018. Based



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on the above said report, the petitioner was placed under suspension on 05.04.2018 and after preliminary enquiry conducted by the Deputy Superintendent of Police, the petitioner was dealt with the charge memo under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, in P.R.No.60 of 2018 on 18.12.2018. The Deputy Superintendent of Police, Kamuthi, was nominated as an Enquiry Officer on 18.01.2019 and he completed the oral enquiry and sent his enquiry report on 26.06.2019 holding that the charges against the petitioner were proved. Based on the enquiry report, the Original Authority, namely, the third respondent passed an order of dismissal from service, on 19.12.2019 and the same was confirmed by the second respondent on 28.01.2020. The charge levelled against the petitioner is not for his misconduct, but for his act of having maintained illicit intimacy with a married woman and in having attempted the life of her husband by hatching conspiracy. As such, there is no question of illegality or bias in passing the final order against the petitioner. Hence, he prayed for dismissal of the writ petition.



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7. Heard the learned counsel on either side and perused the materials available on record.

8. The case of the petitioner is that the petitioner is the resident of Kullapagundanpatti, Theni District. He was appointed as Grade-II Constable in the year 2002 and he was transferred to various places. While he was working as Head Constable in Parthibanur Police Station, he went on medical leave to his native place. The Superintendent of Police, Theni District on 03.04.2018 sent a report to the third respondent office stating that the petitioner had been in illegal relationship with a married woman by name Suganthi, who is the wife of P.W.1 attempting the life of her husband P.W.1/Thiru.N.M.Sami, being a cardiac patient, by administering excessive dosage of medicine in collusion with Suganthi and one Pandiarajan, who is the assistant of the Sami Sports Shop run by P.W.1, for which, P.W.1/N.M.Sami, made a complaint before the Koodalur South Police Station, Theni District and a case was registered in Crime No.55 of 2018. It is also an undisputed fact that thereafter, the Law Enforcing Agency filed a charge sheet and the same was taken on file in P.R.C.No.28 of 2019 on the



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file of the Judicial Magistrate, Uthamapalayam and the same is pending for trial. The further allegations made as against the petitioner are that the petitioner and Suganthi, who is the wife of P.W.1 and one Pandiarajan, who is the assistant of P.W.1, were arrested in the above said criminal case and remanded to the judicial custody on 26.03.2018. Based on the above said report, the petitioner was placed under suspension on 05.04.2018 and after preliminary enquiry conducted by the Deputy Superintendent of Police, the petitioner was issued with a charge-memo under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, in P.R.No. 60 of 2018 on 18.12.2018. The sum and substance of charge-memo is as follows:

- i) Reprehensible conduct in having maintained illicit relationship with a married woman by name Suganthi, brought disrepute to the Police Force and violated the Rule 23(2) of the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 and
- ii) Reprehensible conduct in having hatched a conspiracy in attempting the life of one Sami/P.W.1 the husband of



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Suganthi by administering excessive dosage of tablets for his chronic heart problem besides engaged a henchman for finishing P.W.1's life by paying Rs.3,00,000/-, for which the Law enforcing Agency registered a case in Crime No.55 of 2018 for the offences as stated above.

9. Thereafter, the Deputy Superintendent of Police was nominated as an Enquiry Officer on 18.01.2019 and he completed the oral enquiry and sent his report on 26.06.2019 holding that the charges levelled against the petitioner were proved. Based on the enquiry report, after providing sufficient opportunity as contemplated in the Discipline and Appeal Rules, the Original Authority, namely, the third respondent passed an order of dismissal from service, on 19.12.2019 and the same was confirmed by the second respondent on 28.01.2020. As against the concurrent findings, the present writ petition is filed.

10. In order to prove the charges, the Disciplinary Authority examined 7 witness and marked 17 documents. However, the petitioner has



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not taken any steps to disprove the charges levelled against him. No evidence was adduced and no document was marked and based on which, the Enquiry Officer has drawn a proven minute and the present impugned order was passed as against the petitioner.

11. Further, a perusal of the Enquiry report as well as the impugned order as well as the appellate authority order would reveal that with regard to illegal relationship of the petitioner with Suganthi which was established before the Disciplinary Authority by marking Whatsapp photos, video conversation, screen shots and cell phone conversation and the same were marked as Exs.P.2 to Exs.P.5 and the CD was also marked as Ex.P.6. Further, Ex.P.3 is the Whatsapp messages sent by petitioner to Suganthi through the cell phone of Pandiarajan, who is the assistant of P.W.1 shop and the above said documents clearly proved that the petitioner had illegal relationship with one Suganthi, who is the wife of P.W.1 and the petitioner has not taken any steps to disprove the allegations made against him by adducing any oral evidence or documentary evidence and further, P.W.4 analyzed the CDR list between the cell phone number of the petitioner and



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the cell phone number of P.W.1 and his evidence clearly reveals that the frequent phone conversations held between the petitioner and Suganthi in a particular period of time and such evidence is sufficient to hold that the petitioner had illegal relationship with P.W.1's wife, namely Suganthi and the petitioner being employed in disciplinary force, he is expected to maintain the utmost sincerity and devotion to duty.

12. The Hon'ble Supreme Court, in ***B.C. Chaturvedi – Vs - Union of India, (1995 (6) SCC 749)***, while dealing with issue relating to the power of the Court relating to judicial review of the order passed by the disciplinary authority, held as under :

“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority



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entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel



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[(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.”

(Emphasis Supplied)

13. The above view has been reiterated by the Hon'ble Supreme Court in ***Principal Secy. Govt. of A.P. - Vs - M. Adinarayana, (2004 (12) SCC 579)***, wherein, it has been held as under :-

“23. We have read this charge in the light of allegations in support thereof. In the instant case, it is not disputed that the respondent has neither supplied any prior information on the Government nor did he send any prior intimation to the Government. By not doing this, he has contravened the provisions of Rule 9. The Tribunal has also categorically held that the respondent has not applied for prior information before he purchased the items from the competent authority nor he intimated to the competent authority forthwith soon after the purchase of the several items. Therefore, in our view, the charged officer has violated Rule 9 of the Conduct Rules and thus is guilty of misconduct within Rule 2-H (sic) of the Andhra Pradesh Disciplinary Amendment Act, 1993. In view of the abovesaid finding we hold that respondent is guilty of both the



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charges framed against him within Rule 2 (b) of the Conduct Rules of 1961 framed under the Amendment Act, 1993.

* * * * *

26. In our opinion, judicial review cannot extend to the examination of the correctness of the charges as it is not an appeal but only a review of the manner in which the decision was made. We have, therefore, no hesitation in setting aside the order of the Andhra Pradesh Administrative Tribunal and the judgment of the Division Bench of the High Court for reasons stated (supra). The order passed by the Government removing the respondent from service is in order and, therefore, the appeal filed by the appellant State stands allowed. Further, there will be no order as to costs.”

14. In a recent decision in the ***Director General of Police, RPF & Ors. - Vs – Rajendra Kumar Dubey (C.A. No.3820/2020 dated 25.11.20)***, the Hon'ble Supreme Court, adverting to various decisions of the Apex Court relating to the interference by the High Court in exercise of its writ jurisdiction with respect to disciplinary proceedings, including the decision in *Chaturvedi's case (supra)*, held as under :-

“12.1 It is well settled that the High Court must not act as an appellate authority, and re-appreciate the evidence led before the enquiry officer.



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We will advert to some of the decisions of this Court with respect to interference by the High Courts with findings in a departmental enquiry against a public servant.

*In **State of Andhra Pradesh v S.Sree Rama Rao**, a three judge bench of this Court held that the High Court under Article 226 of the Constitution is not a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is not the function of the High Court under its writ jurisdiction to review the evidence, and arrive at an independent finding on the evidence. The High Court may, however interfere where the departmental authority which has held the proceedings against the delinquent officer are inconsistent with the principles of natural justice, where the findings are based on no evidence, which may reasonably support the conclusion that the delinquent officer is guilty of the charge, or in violation of the statutory rules prescribing the mode of enquiry, or the authorities were actuated by some extraneous considerations and failed to reach a fair decision, or allowed themselves to be influenced by irrelevant considerations, or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. If however the enquiry is properly held, the departmental authority is the sole judge of facts, and if there is some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a writ petition.*

*These principles were further reiterated in the **State of Andhra***



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Pradesh v Chitra Venkata Rao. *The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The court exercises the power not as an appellate court. The findings of fact reached by an inferior court or tribunal on the appreciation of evidence, are not re-opened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ court, but not an error of fact, however grave it may be. A writ can be issued if it is shown that in recording the finding of fact, the tribunal has erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence. A finding of fact recorded by the tribunal cannot be challenged on the ground that the material evidence adduced before the tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point, and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the tribunal.*

*In subsequent decisions of this Court, including **Union of India v. G. Ganayutham, Director General RPF v. Ch. Sai Babu, Chennai Metropolitan Water Supply and Sewerage Board v T.T. Murali, Union of India v. Manab Kumar Guha,** these principles have been consistently followed.*

*In a recent judgment delivered by this Court in the **State of Rajasthan & Ors. v. Heem Singh** this Court has summed up the law in following words :*

“33. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible.



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The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy – deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of what the law regards as a perverse determination of fact. Proportionality is an entrenched feature of our jurisprudence. Service jurisprudence has recognized it for long years in allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have



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been termed as the two ends of the spectrum. Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review. To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

*In **Union of India v. P. Gunasekaran**, this Court held that the High Court in exercise of its power under Articles 226 and 227 of the Constitution of India shall not venture into re-appreciation of the evidence. The High Court would determine whether : (a) the enquiry is held by the competent authority; (b) the enquiry is held according to the procedure prescribed in that behalf; (c) there is violation of the principles of natural justice in conducting the proceedings; (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations which are extraneous to the evidence and merits of the case; (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations; (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion; (g) the disciplinary authority had erroneously failed to admit the*



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admissible and material evidence; (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding; (i) the finding of fact is based on no evidence.

In paragraph 13 of the judgment, the Court held that :

“13. Under Articles 226 / 227 of the Constitution of India, the High Court shall not :

(i) re-appreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in the case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

(iv) go into the reliability of the evidence;

(v) interfere, if there be some legal evidence on which findings can be based;

(vi) correct the error of fact however grave it may appear to be;

(vii) go into the proportionality of punishment unless it shocks its conscience.”

(Emphasis Supplied)

15. From the ratio laid down above, it is implicitly clear that the Courts, in exercise of its power of judicial review, cannot extend the examination to the correctness of the act of the disciplinary authority, but only limit itself to the manner in which the decision has been arrived at by the authorities and whether the same is in accordance with law. This Court



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is to test only the correctness of the decision arrived at by the authorities on the basis of the evidence before it and not proceed with the case as if it is an appeal against the impugned order.

16. In the case on hand, the petitioner is neither attacking the manner in which the enquiry was conducted as flawed and not in accordance with law nor the petitioner claims any relief on the touchstone of violation of principles of natural justice. The enquiry has not been attacked in any manner by the petitioner, but the stand of the petitioner is only that the gravity of the charges alleged against the petitioner does not call for the extreme punishment of removal from service and thereby denying the petitioner of all the benefits to which he is otherwise entitled to, considering his long and unblemished service.

17. Therefore, the only issue that is left for the consideration of this Court is the extent to which this Court could interfere with the punishment imposed on a delinquent under Article 226 of the Constitution.



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18. It has been the consistent view of the Courts that it is always within the domain of the appointing authority to decide on the punishment to be imposed on the delinquent, but the only determination that is left to the Court is the proportionality of the punishment with regard to the gravity of the charges that stood proved against the delinquent. Only when the punishment is disproportionate and shocking to the conscience of the Court, should the Courts interfere with the same in exercise of powers under Article 226 of the Constitution. The Hon'ble Supreme Court, in ***Prem Nath Bali – Vs - High Court of Delhi (2015 (16) SCC 415)***, has held as under:

“20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved then it is for the appointing authority to decide as to what punishment should be imposed on the delinquent employee as per the Rules. The appointing authority, keeping in view the nature and gravity of the charges, findings of the inquiry officer, entire service record of the delinquent employee and all relevant factors relating to the delinquent, exercised its discretion and then imposed the punishment as provided in the Rules.

21. Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment.



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Such power is exercised when the court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority.”

(Emphasis Supplied)

19. As already aforesaid, no attack has been mounted on the conduct of the enquiry, which resulted in the charges being held proved against the delinquent. The materials available on record also reveal that the enquiry has been conducted in accordance with law and as per the procedure contemplated under the relevant Rules, though certain discrepancies had crept in the departmental proceedings, as highlighted before this Court by the petitioner. However, it is to be pointed out that departmental proceedings is not a judicial proceedings requiring stern following of all the legal requirements and what is required in the departmental proceeding is the compliance of procedural requirements,



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which, on the face of the records, stood completely complied with and satisfactory. Though certain discrepancies are alleged in the departmental proceedings, but the said discrepancies would in no way affect the report submitted by the Enquiry Officer, which is in consonance with the Rules. Once the report has been accepted by the disciplinary authority and punishment has been imposed on the petitioner, which has been unsuccessfully challenged by the petitioner before the appellate authorities, this Court is only left with the task to determine whether the punishment imposed on the petitioner is disproportionate to the charges framed and shocks the conscience of the Court.

20. To the above, it can be held without an iota of doubt that the answer to the same cannot be in the affirmative. The punishment imposed on the petitioner, in no way could be termed to be disproportionate to the delinquency and further, it cannot also not be said that it shocks the conscience of this Court. The task entrusted on this Court is only to find out whether the authorities have applied their mind to the materials before imposing the punishment.



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21. It is to be pointed out that the petitioner is a member of a disciplined force and a great amount of integrity and honesty is required of individuals holding the posts in the disciplined service. Not only the fate and status of the country is in the hands of the members of the disciplined force, but the rights and liberties of the individual citizens would be greatly hampered if the members of the disciplined commit offences, as has been alleged and proved against the petitioner. It would not only put the fate of the citizens in peril, but would have a jeopardizing effect on the safety and security of the nation and would be in detriment to the livelihood of the citizens.

22. Corruption is a pest, which, if left to go without being nipped in the bud, will eat out the law and order in the nation and would have a cascading effect in all fields and in all forms of employment. The petitioner, being a member of a force, which is required to have the highest standards of integrity and honesty and discipline being paramount, having thrown the qualities to the winds, is nothing but a leech in system, who, if not removed



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in entirety, will corrupt the entire force. Therefore, prudence warrants that the disciplinary authority should take action in such a manner against such persons, so that, the others do not follow the footsteps of such individuals, thereby, safeguarding the stature of the force.

23. In the above backdrop, this Court, on a perusal of the materials placed, is of the firm opinion that the punishment imposed on the petitioner could in no way be said to be disproportionate and shocking to the conscience of this Court. Interference, if any, with the punishment imposed on the petitioner by this Court would be nothing but misplaced sympathy, which has no room in the justice delivery system, when it is the duty of the Court to see that justice is not only done but should seem to be done. Therefore, the punishment, in the considered view of this Court, is just and reasonable and this Court is of the opinion that no interference is warranted with the impugned order of punishment passed by the respondents.



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24. For the reasons aforesaid, this writ petition is devoid of merit and accordingly, the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To
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- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
- 2.The Deputy Inspector General of Police,
Ramnathapuram Range,
Ramnathapuram.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramnathapuram District.



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M.DHANDAPANI,J.

RM

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