



W.P.(MD)No.7510 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7510 of 2020

and

W.M.P.(MD)Nos.6989, 6993 & 6994 of 2020

S.Muralidaran

: Petitioner

Vs.

1.The Director General of Police
Tamilnadu,
Chennai - 600 004.

2.The Inspector General of Police,
Central Zone,
Thiruchirappalli.

3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

4.The Deputy Superintendent of Police,
Pudukkottai District,
(Sub Division),
Pudukkottai.

: Respondents



W.P.(MD)No.7510 of 2020

PRAYER : 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 1st respondent order in Rc.No.010322/AP.IV(1) /2019 dated 27.06.2019 confirming the proceedings of the second respondent in Na.Ka.No.B2/Me. Mu.2/17 dated 17.02.2017 of the confirming the third respondent order in Na.Ka.No.K2/PR No.37/2016 dated 13.10.2016 and set aside the same as arbitrary and illegal.

For Petitioner	: Mr.K.Baalasundharam
For Respondents	: Mr.S.P.Maharajan, Special Government Pleader

ORDER

This writ petition has been filed to quash the 1st respondent order in Rc.No.010322/AP.IV(1) /2019 dated 27.06.2019 confirming the proceedings of the second respondent in Na.Ka.No.B2/Me. Mu.2/17 dated 17.02.2017 of the confirming the third respondent order in Na.Ka.No.K2/PR No.37/2016 dated 13.10.2016.

2. The learned counsel for the petitioner submitted that the petitioner was recruited as a Grade II Constable in the year 1986 and he



W.P.(MD)No.7510 of 2020

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rendered service from 1986 to 2016. When the petitioner was served in Viralimalai Police Station as Special Sub Inspector of Police, Tamil Nadu Legislative Assembly Election was declared to be conducted in May 2016. The petitioner was directed to report for election duty on 05.03.2016 at Election Control Room, Pudukkottai and the petitioner reported duty as directed, at Election Control Room, Pudukkottai and the petitioner deputed to serve in the Election Flying Squad, as a part of election duty and the petitioner team searched many vehicles and recovered Rs.6,10,000/- cash, which was transported without any account in the 2nd week of April 2016 and further, recovered un-permitted liquor bottles. While-so, the third respondent served a notice, dated 08.08.2016 informing the petitioner that he had committed delinquencies under Rule 3(a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. It is alleged that while serving in the Election Flying squad, on 01.04.2016 at about 6.00 p.m. came along with Head Constable to the Prohibition and Enforcement Wing, Pudhukottai and demanded the duty Head Constable Thiru.Chellappa to give 4 bottles of quality liquor and suddenly, the petitioner saw the Sub-Inspector Tmt.Sumathi in that office and left out from there by asking, is



W.P.(MD)No.7510 of 2020

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there SI Madam and thereby he violated the Election Conduct Rules. So the Sub Inspector of Police Tmt.Sumathi submitted a special report in this regard to the Inspector Town (Incharge PEW). Pudukkottai, for which, a show cause notice was issued under Rule 3(a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. However, without conducting any proper enquiry, the third respondent awarded a punishment of postponement of next increment for two years, which shall not operate to postponement of his future increment vide order, dated 13.10.2016. Aggrieved by the same, the petitioner preferred an appeal before the second respondent and the second respondent confirmed the order passed by the third respondent. Against which, the petitioner preferred a Revision before the first respondent and the first respondent also confirmed the order passed by the second and the third respondent vide order, dated 27.06.2019. Challenging the above said punishment, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that though the petitioner filed a writ petition, challenging the punishment



W.P.(MD)No.7510 of 2020

imposed by the Original Authority, which was confirmed by the Appellate Authority including the Revision Authority, however, this Court without interfering with the order impugned, issue a direction to the respondents to consider the petitioner's promotion after the currency of punishment is over.

4. In view of the limited request made by the learned counsel for the petitioner, this Court without interfering with the order impugned in this writ petition, directs the respondents, if the currency of punishment is over, the official respondent is directed to consider the petitioner's request for benefits including the promotion, if any, within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

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



W.P.(MD)No.7510 of 2020

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W.P.(MD)No.7510 of 2020

M.DHANDAPANI, J.

RM

W.P.(MD)No.7510 of 2020

03.01.2023