



W.P.(MD)No.2450 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.2450 of 2019

and

W.M.P(MD)Nos.1885 & 1886 of 2019

A. Gnana Jaklin Mary

...Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai – 4.

2.The Deputy Inspector General of Police,
Madurai Zone,
Madurai.

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

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the third respondent in S.O.No.46 of 2017 dated 04.05.2017, the order passed by the second respondent rejecting the appeal in C.No.A4/6810/AP/2017 dated 23.01.2018 and the order passed by the first respondent rejecting the mercy petition in R.C.No. 105512/AP.2(3)/2018 dated 21.09.2018 and quash the same as illegal consequently directing the respondents to pay all monetary and service benefits to the petitioner.

For Petitioner : Mr.V.Meenakshi Sundaram

for M/s.D.Deepamathi

For Respondents : Mr.A.Kannan,

Additional Government Pleader

ORDER

This Writ Petition has been filed against the order of punishment imposed by the third respondent in S.O.No.46 of 2017



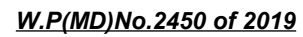
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dated 04.05.2017 and consequently, the order passed by the second respondent rejecting the appeal in C.No.A4/6810/AP/2017 dated 23.01.2018 and the order passed by the first respondent rejecting the mercy petition in R.C.No.105512/AP.2(3)/2018 dated 21.09.2018.

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

3. The petitioner is working as Police Constable in Police Department. The third respondent issued a charge memo levelling three charges against the petitioner. The petitioner submitted her explanation on 17.04.2016. The third respondent appointed as Deputy Superintendent of Police (PEW) Virudhunagar, as Enquiry Officer to conduct an enquiry on the charges levelled against the petitioner. After completion of the enquiry, the third respondent issued proceedings in S.O.No.46 of 2017 dated 04.05.2017 imposing a punishment by postponing of next two increments for



4. The learned counsel for the petitioner submits that the charges initiated against the petitioner to wreck vengeance against her and also against the said Police Constable Venkatesan. The learned counsel would further submit that the petitioner hailing from a respected family and her family have gained respects among the family members of the locality. The learned counsel further submits that the charges levelled against the petitioner affected the reputation of the family of the petitioner. Due to which, there is a misunderstanding between the petitioner and her husband. The



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learned counsel further contends that as the petitioner strict Police Constable, she has been targeted by her immediate superiors and she was made as a scape goat.

5. The learned counsel finally submits that the charges levelled against the petitioner are vague in nature and the respondents do not have any material to pass such type of punishment order against the petitioner. The respondents 1 and 2 also without considering the facts and circumstances of the case in proper prospective manner have rejected the mercy petition and appeal. Accordingly, the learned counsel sought to set aside the impugned orders and to allow the Writ Petition.

6. On behalf of the respondents, a counter affidavit has been filed. Basing on the averments in the counter affidavit, the learned Additional Government Pleader appearing for the respondents submitted that the charges levelled against the petitioner are very grievous in nature and accordingly, an enquiry was ordered



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by the third respondent to enquire into the charges levelled against the petitioner under Tamil Nadu Police Subordinate Service (Disciplinary & Appeal) Rules, 1955. The charge memo, dated 09.03.2015 citing 15 witnesses and including 23 documents were served to the petitioner and the petitioner received the copies by affixing her signature on 28.07.2015. The petitioner also cross examined all the witnesses examined by the prosecution side. As such the learned Additional Government Pleader contended that there is no substance in the contention of the petitioner that without furnishing the copies of the documents relied by the Enquiry Officer, proceed with the enquiry.

7. The learned Additional Government Pleader also pointed out that the petitioner admitted in her affidavit that she did not examine any witness on her side and did not mark any documents. With regard to the contention of the learned counsel for the petitioner that the proceedings have been initiated only to wreck vengeance against the Police Constable Venkatesan is not correct



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and in fact the charges levelled against the petitioner is not in vague and there are number of documents proved the charges levelled against her.

8. The learned Additional Government Pleader further contends that there is no violation of procedure by the respondents in imposing punishment against the petitioner and the respondents 1 and 2 also rightly rejected the appeal and mercy petition filed by the petitioner and accordingly, the learned Additional Government Pleader submits that there are no grounds to interfere with the orders impugned in this Writ Petition and sought to dismiss the Writ Petition.

9. Having heard the submissions of the respective counsels and upon perusal of the materials available on record, it appears that the third respondent issued punishment order, basing on the enquiry conducted against the petitioner, basing on the three charges levelled against her.



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10. On perusal of the materials available on record, it appears that by following the procedure for conducting enquiry against the employee, the third respondent passed the impugned order, as rightly contended by the learned Additional Government Pleader the charges levelled against the petitioner are grievous in nature. But it appears that the third respondent took a lenient view towards the petitioner and imposed such punishment of postponing two increments for two years.

11. In view of the same, in our considered view, interference of this Court under Article 226 of the Constitution of India into the punishment order imposed by the third respondent is unwarranted. In our opinion, the respondents 1 and 2 also rightly rejected the mercy petition and appeal submitted by the petitioner.

12. On consideration of the entire facts and circumstances of the case, in the considered opinion of this Court, the petitioner failed to make out any case warranting interference of this Court



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under Article 226 of the Constitution of India and she is not entitled for any relief sought in this Writ Petition.

13. Accordingly, this Writ Petition is dismissed.

14. No costs.

15. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes

NCC : Yes / No

RM



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BATTU DEVANAND, J.

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