



W.P.(MD)No.14140 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.14140 of 2020**

R.Asokan

... Petitioner

Vs.

1.The Deputy Inspector General of Police,  
Thiruchirappalli Range,  
Thiruchirappalli.

2.The Superintendent of Police  
Pudukkottai District,  
Pudukkottai.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the second respondent relating to the impugned order in Na.Ka.No.K2/Tha.Pa.No.12/2020 dated 24.06.2020 and consequential impugned order passed by the first respondent in C.No.B2/App.22/2020 dated 10.08.2020 and quash the same as illegal.



WEB COPY



W.P.(MD)No.14140 of 2020

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mrs.K.Christy Theboral  
Additional Government Pleader

### **ORDER**

This writ petition has been filed to quash the impugned order of the second respondent in Na.Ka.No.K2/Tha.Pa. No.12/2020, dated 24.06.2020 and consequential impugned order passed by the first respondent in C.No.B2/App.22/2020 dated 10.08.2020.

2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as a Junior Assistant on Compassionate Grounds on 01.08.1991 in lieu of the death of the petitioner's father in the year 1963, who worked as a Constable in Illuppur Police Station, Pudukkottai District. The first posting to the petitioner is at Police Tele-Communication Branch at Chennai and thereafter, he was transferred to various places and subsequently, promoted as Assistant and thereafter, transferred to several places and on 13.01.2013 he was promoted as Superintendent and transferred to Police Tele Communication Branch at



W.P.(MD)No.14140 of 2020

Chennai and again he was transferred to Pudukottai District Police Office, till now he rendered unblemished service. While he was working in Pudukottai District, the Administrative Officer, District Police Office, Pudukottai, by his proceedings, dated 10.11.2018 transferred the petitioner to Trichy I Battalion on OD basis for imparting basic training for a period of 8 months and on 14.11.2018, on his transfer, he was instructed to hand over the charges of 'G' Section to the 'M' Section Superintendent, and Thiru.Ramachandran, Junior Assistant is instructed to handover the charge to the post of H3 to H2 Assistant immediately. After the above said training period was completed, he was relieved from the said Battalion, Trichy, on 17.10.2019 and then he was directed to report before his parent unit i.e., District Police Office, Pudukkottai. After reporting duty, the petitioner received a show-cause notice from the second respondent on 15.04.2020 demanding explanation for not forwarding the letter received from the learned Judicial Magistrate, Fast Track Court, Pattukkottai, dated 23.09.2019 and an another letter received from the learned Judicial Magistrate, Fast Track Court, Pattukkottai, dated 30.08.2019 to the Subordinates for taking necessary action, for which, the petitioner submitted



W.P.(MD)No.14140 of 2020

WEB COPY

a detailed explanation to the first respondent explaining that the petitioner is not in duty at the relevant point of time and he was transferred from Pudukkottai to I Battalion, Trichy on OD basis and he was instructed to hand over the charge to 'M' section on 14.11.2018. Thereafter, the I battalion, relieving the petitioner on 17.10.2019 and the petitioner categorically established before the authority that from 14.11.2018 to 17.10.2019 he was not in in-charge of the second respondent office. However, the entire allegations against the petitioner is not sustainable one. But without considering the same, the present impugned punishment of Censure was imposed, which is not sustainable one. Challenging the same, the present writ petition is filed.

3. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the writ petitioner had failed to follow up the Court urgent matter from 18.10.2019 to 23.03.2020. The memorandum was issued to the Deputy Superintendent of Police, Aranthangi, dated 28.09.2019, was pending till 18.03.2020 without any progress. Due to non-compliance of the Court matters, the Judicial



W.P.(MD)No.14140 of 2020

Magistrate, Fast Track, Pattukkottai has issued a show cause notice to the second respondent and the Inspector of Police, Sub-Inspector of Police of Karur Police Station, Pudukottai District. But in a negligent manner, the writ petitioner had discharged his duty after knowing fully well the above Court urgent matters, he simply replied that at the time of receiving of the matter he is on other duty. The petitioner has failed to inform the matter during the block pending review. The second respondent considered the above delinquency of the petitioner and supporting material available on records and thereafter, the second respondent has awarded a punishment of 'Censure' to the writ petitioner, since the explanation given is not satisfactory. Aggrieved over the same, the petitioner preferred an appeal before the first respondent and the first respondent has gone through the PR file and all the relevant records and considering the gravity of charge, the first respondent had confirmed the punishment awarded by the second respondent. Hence, she prayed for dismissal of the writ petition.

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



W.P.(MD)No.14140 of 2020

WEB COPY

5. The facts in the present case are not in dispute. Admittedly, the petitioner appointed as a Junior Assistant on Compassionate Grounds in the year 1991 and he was transferred to various places and promoted as Superintendent and transferred to Pudukkottai District Police Office. It is alleged that the petitioner while serving as Superintendent in Pudukkottai District, had failed to forward the letters received from the Judicial Magistrate, Pattukkottai, dated 23.09.2019 and 30.08.2019, respectively, to the Subordinates for taking appropriate action, thereby the present impugned Censure order was passed against the petitioner.

6. The grievance of the petitioner is that the petitioner was transferred from OD basis on 10.11.2018 and he was instructed to hand over the charge of 'G' Section to the 'M' Section on 14.11.2018. After completion of training period of 8 months, he rejoined duty on 17.10.2019, when he was in duty in the second respondent office, the charge was framed against the petitioner, which is not sustainable one. However, either in the impugned order or in the counter, the second respondent did not explain whether the petitioner was in charge from 15.11.2018 to 17.10.2019 in the



W.P.(MD)No.14140 of 2020

second respondent office. However, the petitioner has established before this Court that he was transferred on OD basis on 10.11.2018 and further he was instructed to give charges of "G" section to "M" Section Superintendent and one Ramachandran, Junior Assistant. However, the same was not discussed either in the counter or in the impugned order. Hence, the entire punishment imposed by the second respondent is without any basis and the explanation submitted by the petitioner was not properly considered by the authority. Hence, the impugned order is liable to be set aside. Though the Censure is not a punishment, however, the punishment have an impact in his service records. Accordingly the impugned order is set aside.

7. Accordingly, this writ petition is allowed and the impugned order is set aside. No costs.

**30.01.2023**

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



W.P.(MD)No.14140 of 2020

To  
WEB COPY

- 1.The Deputy Inspector General of Police,  
Thiruchirappalli Range,  
Thiruchirappalli.
- 2.The Superintendent of Police  
Pudukkottai District,  
Pudukkottai.



WEB COPY



W.P.(MD)No.14140 of 2020

**M.DHANDAPANI,J.**

RM

**W.P.(MD)No.14140 of 2020**

**30.01.2023**