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W.A.(MD) No.1083 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1083 of 2023

S.Raja

... Appellant

-vs-

- 1.The Principal Secretary to the Government
Home Department
Secretariat, Fort St.George
Chennai
- 2.The Director General of Police
Law and Order
Kamarajar Salai
Mylapore, Chennai-600 004
- 3.The Superintendent of Police
Virudhunagar District
Virudhunagar
- 4.The Deputy Inspector General of Police
Madurai Range
Madurai
- 5.The Superintendent of Police
Madurai Range, Madurai



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6.The Inspector of Police
Karimedu Police Station
Madurai

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 20.04.2023, passed in W.P.(MD) No.9155 of 2023, on the file of this Court.

For Appellant : Mr.G.Sakthi Rao

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 20.04.2023, passed in W.P.(MD) No.9155 of 2023, filed by the appellant.

2. When the appellant was working as a Police Constable Grade-I, a charge memo was issued to him on 28.12.2015 alleging that while he escorted a prisoner, by name, Selvam on 08.06.2015, it was found that the



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prisoner attempted to smuggle contrabands, such as, 65 Grams of ganja, a mobile phone etc., on his return to prison. The appellant was charged for his negligence. The fact that 65 Grams of ganja, a mobile phone and other articles were seized by the Prison Authorities is not in dispute. The charges levelled against the appellant were proved during domestic enquiry. Only a lesser punishment of stoppage of increment for one year with cumulative effect was originally imposed. It is also admitted that the Director General of Police, while confirming the findings regarding proof of charge, modified the punishment into that of postponement of increment for a period of one year which shall not operate to postpone his future increments from the date of original orders.

3. The said order of the Director General of Police was challenged by the appellant by filing a writ petition with a delay of 5 ½ years. The learned Single Judge refused to entertain the writ petition, mainly on the ground of delay and laches.

4. This Court find no merit in the writ petition, as the punishment imposed could have been more severe in view of the charges proved. The



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findings of Enquiry Officer are based on proper appreciation of evidence and this Court has no reason to differ. The learned Single Judge has rightly dismissed the writ petition, on the ground of delay and laches, as the delay of 5 ½ years has not even been explained by the appellant.

5. For all these reasons, the writ appeal fails and it is dismissed.

No costs.

[S.S.S.R., J.]

[D.B.C., J.]

17.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Principal Secretary to the Government,
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Secretariat, Fort St.George, Chennai.

2.The Director General of Police,
Law and Order,
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Mylapore, Chennai-600 004.

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- 4.The Deputy Inspector General of Police,
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D.BHARATHA CHAKRAVARTHY, J.

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