



W.A.(MD)No.2045 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.2045 of 2023

M.Velladurai

... Appellant

Vs.

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

2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.

3.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.

4.The Superintendent of Police,
Thoothukudi, Thoothukudi District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the orders passed in W.P.(MD)No.17515 of 2020, dated 27.07.2023 on the file of this Court.



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For Appellant : Mr.S.Devarajan
For R1 : Mr.S.P.Maharajan,
Special Government Pleader
For R2 to R4 : Mr.Veeranthiran, Government Advocate

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been directed against the order dated 27.07.2023 passed in W.P.(MD)No.17515 of 2020.

2.The writ petitioner was appointed as Grade-II Police Constable on 01.11.1995 and promoted to Grade-I NK (Driver) with effect from 19.02.2003. He is now holding the post of Head Constable, Armed Reserve at Tuticorin District. Departmental disciplinary proceedings were initiated against the writ petitioner under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 and the charge against him was that he failed to prevent heinous crime ie., murder. Omission on the part of the writ petitioner, who was in uniformed services was taken serious note of by the disciplinary authority and enquiry was conducted. During the enquiry, the appellant himself admitted the charges and consequently, the charges are held proved.



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3.The report of the enquiry officer had been accepted by the disciplinary authority, who in turn, inflicted the penalty of punishment of reduction in rank by one stage for three years with cumulative effect, which was subsequently, modified as reduction in rank by one stage for two years without cumulative effect. Not satisfied with the reduction of punishment, the writ petitioner filed the Writ proceedings and the learned Single Judge has considered the facts and formed an opinion that the writ petitioner has admitted the guilt before the enquiry officer and therefore, there is no reason to interfere with the quantum of punishment imposed by the disciplinary authority, which was subsequently, modified by the appellate authority.

4.We do not find any reason to interfere, since the punishment imposed cannot be termed as disproportionate or otherwise. More so, the procedures as contemplated under the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 were scrupulously followed and the writ petitioner participated in the process of enquiry and admitted the guilt before the enquiry officer.



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5.Thus, the order impugned dated 27.07.2023 passed in W.P.(MD)No.17515 of 2020 stands confirmed. Accordingly, this Writ Appeal stands dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)

04.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

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