



W.P.No.28390 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.28390 of 2011

V. Indrakumari

....Petitioner

Vs

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

2.The Superintendent of Police,
Cuddalore District,
Cuddalore.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue the Writ of Certiorarified Mandamus and call for the records in appeal termination order in R.C.No.42297/CA1/2011 dated 25.07.2011 passed by the 1st Respondent and quash the same and directing the respondents to re-instate the petitioner in service along with all back wages in accordance with law.

For Petitioner : M/s.S.Ramajayam

For Respondents : Mr.D.Gopal,
Government Advocate



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W.P.No.28390 of 2011

ORDER

This Writ Petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to appeal termination order dated 26.07.2011 made in R.C.No.42297/CA1/2011 passed by the 1st Respondent, quash the same and consequently direct the respondents to reinstate the petitioner into service along with all back wages.

2. It is the submission of the learned counsel for the petitioner that petitioner was appointed as data entry operator on 22.05.2005 on compassionate ground after the untimely demise of her husband Police constable Varadharajan. She has two children. One Sundramoorthy is her sister's husband. He had ill motives and tried to seduce her. Since she has not yielded, he started threatening and torturing petitioner and her children and he started spreading false news against her. Sundramoorthy continued to send false complaints against petitioner but he had also previous enmity with one Police Constable Sharma. Alleging that she had illicit relationship with Sharma, Sundramoorthy made a false complaint. An enquiry was



W.P.No.28390 of 2011

conducted by the Deputy Superintendent of Police and on the basis of the enquiry report she was terminated from service. Therefore, this Writ Petition.

3. It is the further submission that Sundramoorthy, her elder sister's husband, had tried to seduce her and had an eye on her salary and the terminal benefits she received after the death of her husband. When the petitioner had not yielded to his desire, he started torturing her including making false complaints. The enquiry conducted by the Deputy Superintendent of Police is beyond the scope and the termination of service on the basis of the report of the Deputy Superintendent of Police is also illegal. Therefore, this Writ Petition.

4. In response, the learned counsel for the respondents submitted that the petitioner was appointed on compassionate ground on temporary basis and her services were not regularized. Even before regularization of her service she indulged in immoral conduct of having illicit intimacy with another Police man Sharma who was already married and has children through his wife Anandi. His wife Anandi had already given a complaint.



W.P.No.28390 of 2011

On the basis of the said complaint, the Superintendent of Police had conducted an enquiry not to indulge in illicit intimacy, spoil peace in the family and not to bring disrepute to the Police Department. The petitioner had given an undertaking that she will not indulge in illicit intimacy in future, However, she continues illicit intimacy with Sharma. Based on the complaint of her sister's husband Sundramoorthy, a detailed enquiry was conducted. The Deputy Superintendent of Police conducted an enquiry and filed a report. It clearly brought out the continuation of the illicit intimacy even after the warning given by the Superintendent of Police. Therefore, her conduct is unbecoming of a Government Servant and violative of police service rules and therefore she was terminated from service. He further submitted that the departmental proceedings were initiated against Sharma for his misconduct and he was imposed with a punishment of Postponement of increment for three years, which shall not affect his future increment and he was transferred to Ramanatham Police Station vide Proceedings No.125/2010.

5. Considering the rival submissions and perused the records.



W.P.No.28390 of 2011

WEB COPY

6. From the facts narrated above and perusal of the documents, this Court finds that it is not in dispute that the petitioner was appointed on compassionate ground on the death of her husband as a data entry operator vide proceedings dated 26.07.2011 in R.C.No.42297/CA1/2011.

7. From the showcause notice issued, it is seen that on the basis of the complaint given by Anandi W/o Sharma, an enquiry was conducted by the Superintendent of Police during January 2010 with regard to the illicit intimacy between the petitioner and Sharma. During the enquiry, petitioner had promised that she will not have any relationship with Sharma. Both of them have been warned that if they indulge in intimacy, departmental proceedings will be initiated. It appears even after a warning, Petitioner and Sharma, continued their illicit intimacy. Sundramoorthy, petitioner's elder sister's husband who was taking care of the petitioner and her family prior to the development of illicit intimacy between the petitioner and Sharma, had given a complaint alleging illicit intimacy between the petitioner and Sharma and the life threat made by Sharma to Sundramoorthy, if he opposes their illicit intimacy. Therefore, the Deputy Superintendent of Police



W.P.No.28390 of 2011

conducted a detailed enquiry and submitted a report stating that the petitioner and Sharma had continued their illicit intimacy even after a warning given by the Superintendent of Police. He had examined eight witnesses and perused four documents to arrive at a conclusion. Based on the proof of allegations of illicit relationship, petitioner was terminated from service for bringing disrepute to the police department. In the said circumstances, this Court finds no reason to interfere with the orders passed by the respondents and this Writ Petition is dismissed. No Costs.

26.02.2024

Index :Yes/No

Internet:Yes/No

Nhs

To

- 1.The Director General of Police,
Chennai-600 004.
- 2.The Superintendent of Police,
Cuddalore District,
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WEB COPY



W.P.No.28390 of 2011



WEB COPY



W.P.No.28390 of 2011

G.CHANDRASEKHARAN, J

Nhs

W.P.No.28390 of 2011

26.02.2024