



W.P.No.28730 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.28730 of 2011

and

M.P.No.1& 2 of 2011

J.Jeyakumar

...Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort ST.George,
Chennai – 600 009.

2.The Director General of Police,
Mylapore,
Chennai – 600 004.

3.The Additional Director General of Police,
and Commissioner of Police,
Egmore, Chennai – 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relevant to the order in Rc.No.240614/AP3(3)/2010 dated 09.02.2011 passed by the 2nd respondent confirming the order of the 3rd respondent dated 19.07.2003 made in proceedings P.R.No.208/PRII(1)/95 and quash the same as illegal, improper, against the law and natural justice and thereby direct the respondents to



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reinstate the petitioner into service and pay all service and monetary benefits with effect from 19.07.2003.

For Petitioner :Mr.S.Vinoth

For Respondents :Ms.Tamilselvi, Additional Government Pleader

ORDER

The Writ Petition is filed calling for the records relevant to the order in Rc.No.240614/AP3(3)/2010 dated 09.02.2011 passed by the 2nd respondent confirming the order of the 3rd respondent dated 19.07.2003 made in proceedings P.R.No.208/PRII(1)/95 and quash the same as illegal, improper, against the law and natural justice and thereby direct the respondents to reinstate the petitioner into service and pay all service and monetary benefits with effect from 19.07.2003.

2.It is the submission of the learned counsel for the petitioner that petitioner was appointed as Sub Inspector of Police in Tamil Nadu Police Department by the Deputy Inspector General of Police. The departmental proceedings was initiated against him, on the allegations of corrupt practice in P.R.No.208 of 1995, renumbered as P.R.No.29/PR2(4)97 under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955.



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The Deputy Superintendent of Police, Thirumangalam was appointed as the Enquiry Officer. The Enquiry Officer held that charges against the petitioner were proved. Ultimately, petitioner was dismissed from service.

3.The main ground on which, this dismissal order is challenged is that, when petitioner was appointed by Deputy Inspector General of Police, the dismissal order passed by the Commissioner of Police, is not proper and legal, for the reason that Commissioner of Police is a lesser ranked than the Deputy Inspector General of Police.

4.The contention of the learned counsel for the petitioner is denied by the learned counsel for the respondent, on the ground that, at the time of passing orders, petitioner was serving in Intelligence Section, Chennai City Police. The rank of Deputy Inspector General was not available and hence, punishment was awarded by the next higher authority i.e., the Commissioner of Police. Thus, contention of the learned counsel for the petitioner that petitioner was dismissed from service by Officer, who is lesser rank than the officer, who appointed him is not correct.

5.Considered the rival submissions and perused the records.



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6.Except the ground that petitioner was dismissed from service by an Officer, who is lesser ranked than the Officer, who appointed him, no other grounds were taken before this Court. This Court, on going through the materials produced finds that proper enquiry was conducted by giving full opportunity of hearing to the petitioner during departmental proceedings and then punishment was imposed.

7.From the counter filed, it is very clear that at the time of passing the final orders, petitioner was working in Intelligence Section, Chennai City Police. Since, there was no post in the rank of Deputy Inspector General of Police, the next higher authority, i.e., the Commissioner of Police passed the order of punishment. It is informed that, the Commissioner of Police, Chennai is equivalent to the rank of Inspector General of Police. Therefore, this Court finds no merits in the submissions of the learned counsel for the petitioner that petitioner was dismissed by an Authority, who was lesser ranked than the Officer, who appointed him.



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WEB COPY 8. In this view of the matter, this Writ Petitioner is dismissed.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
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To

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G.CHANDRASEKHARAN, J.

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