



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

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THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8055 of 2019

B.V.Ramesh

... Petitioner

Vs

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, call for the records in connection with the impugned order passed by the 2nd respondent in F2/P.R.No.25/2017 u/r 3(a) dated 14.06.2017 and confirmed by the 1st respondent in C.No.B2/8582/2017 Appeal No.30/2017 dated 04.12.2017 and quash the same and to grant all consequential service and monetary benefits.

For Petitioner : Mr.S.Sivakumar

For Respondents : Ms.E.Ranganayaki
Additional Government Pleader



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ORDER

The petitioner herein was initially appointed as Grade-II Police Constable on 24.05.1999 and thereafter, he was promoted as Grade-I Police Constable in the year 2012. While he was working Grade-I Police Constable during the year 2017, the petitioner and another constable were entrusted with Escort duty on 22.05.2017 by Tiruvallur Town Police Station to Escort one Ganesh aged about 15 years from Chengalpattu Juvenile home to Thiruvallur Juvenile Justice Committee. In discharge of the said escort duty, the petitioner along with another constable took the Juvenile before the Juvenile Justice Committee and on the way back to Chengalpattu Juvenile home, the said Ganesh escaped from the custody of the petitioner and another on 22.05.2017 and he was again arrested by the Police, Minjur Police Station on the next day and was sent to Juvenile Home.

2. It is basing upon the said incident, the petitioner was issued with a charge memo under Rule 3 (a) of Tamil Nadu Police Subordinate Service (Discipline and Appeal), Rules, 1955, containing the solitary charge alleging that the petitioner was lethargic and irresponsible in discharge of his



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escort duty and thereby bringing the police department to disrepute. In response to the said charge memo, the petitioner submitted his explanation acknowledging the incident of juvenile escaping from the custody of the petitioner and another, but tried to explain the reasons as to why the petitioner could not catch the said escaped juvenile. However, the fact that the juvenile whom the petitioner was escorting escaping from the petitioner's custody is not denied. The said juvenile was again re-arrested on the next day by the Police of Minjur Police Station. The 2nd respondent having taken into consideration the fact that the incident of juvenile escaping from the custody of the petitioner is not denied, deemed it fit to pass an order imposing the minor punishment of “stoppage of increment” for a period of two years which shall not operate to postpone his future increment and passed an order, dated 14.06.2017. It is aggrieved by the said order, the petitioner filed an appeal before the first respondent, however, the said appeal was rejected by the first respondent on the ground of having no merits. Aggrieved by the said order passed by the 2nd respondent dated 14.06.2017 confirmed by the first respondent through order dated 04.12.2017, the present writ petition has been filed.



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3. The learned counsel for the petitioner contended that the petitioner has denied the charge by submitting his explanation in response to the charge memo dated 24.05.2017, but the 2nd respondent instead of conducting an enquiry and establish the charge levelled against the petitioner, passed the impugned order dated 14.06.2017 in violation of principles of natural justice and procedure. He also further contended that, inspite of the petitioner raising several grounds by filing the appeal before the first respondent, the first respondent has passed cryptic order rejecting the appeal on the ground that the same does not contain any merit. Thus it is contended that the impugned order is liable to be set aside on the sole ground of violation of principles of natural justice. He also placed reliance on decisions of this Court in W.P.No.34587 of 2005 dated 01.04.2009 and another decision in W.P.No.15767 of 2012 dated 27.07.2023 in support of his contention that in case of imposing minor penalty also an enquiry need to be conducted by the respondents in the event of denial of charge by delinquent employee.

4. On the other hand, the learned Government Advocate contended that the petitioner while submitting his explanation has not denied



the incident of negligence alleged against the petitioner and on the other hand it is admitted by the petitioner that the juvenile whose custody was entrusted to the petitioner was escaped from the custody of the petitioner. Therefore the charge was admitted by the petitioner and therefore, there is no necessity for conducting any detailed enquiry. He also further contended the charges framed under Rule 3 (a) of Tamil Nadu Police Subordinate Service (Discipline and Appeal), Rules, 1955 do not contemplate the conducting an enquiry under Rule 3(a) of the said rules.

5. This Court carefully considered the submissions made on either side and also perused the entire materials available on record.

6. The charge that is levelled against the petitioner is that, he is lethargic and irresponsible in discharging his duties, resulting in allowing the juvenile to escape from the custody of the petitioner and another and thereby, the police department is brought under disreputation. Bringing the Police Department to disreputation is an inference drawn and not basing on the acts of the petitioner herein. The alleged act a misconduct on the part of the petitioner is concerned, the same is admitted by the petitioner. Admittedly,



custody of the juvenile was entrusted to the petitioner and another, for the purpose of producing him before the Juvenile Justice Committee at Tiruvallur and to bring him back to Chengalpattu juvenile home. The Juvenile is aged about 15 years and for the purpose of escorting him two police constables including the petitioner were deputed. It is the duty of the petitioner and another to ensure that the said juvenile is produced before the Juvenile Justice Committee and he safely brought back to the Chengalpattu Juvenile home. Admittedly, during the course of transit said juvenile escaped from the petitioner and another police constable and they could not bring him back to the Juvenile home on that day. It is only the police of the Minjur Police station, arrested the said Juvenile on the next day and handed over to the Chengalpatu Juvenile Home. Though the fact that Juvenile whose custody was entrusted with the petitioner escaped from the custody of the petitioner, the petitioner only tried to explain as to why he was not able to secure his presence, which is totally irrelevant.

7. In the light of the admission of the above incidents, there is no further proof is required to say that the petitioner is lethargic or irresponsible in discharging his duty. As the fact of juvenile escaping from the custody of the



petitioner is not denied, the second respondent deemed it fit to pass an order imposing the minor punishment of “ stoppage of increment” for a period of two years and in the considered view of this Court is proportionate to the charge levelled against the petitioner. Further, the currency of the said punishment has already come to an end. For this reason also, this Court is not inclined to interfere with the minor punishment that is imposed against the petitioner.

8. Then coming to the decisions relied upon by the learned counsel for the petitioner insisting for conducting an enquiry for imposing minor punishment is concerned, in the considered view of this Court, the decisions have no application as in the case on hand, the petitioner has not denied the charge of the juvenile escaping from the custody of the petitioner and categorically admitted the same. Therefore, in the considered of the view that there is no necessity for conducting any enquiry on the charge made against the petitioner, in view of the admission made by the petitioner.



9. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

26.06.2024

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

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Kanchipuram Range,
Kanchipuram.

2. The Superintendent of Police,
Thiruvallur District,
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MUMMINENI SUDHEER KUMAR. J.,

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