



W.P.No.12953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 12953 of 2024

and

W.M.P.No.14120 of 2024

A.Praveen Kumar

.... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St.George,
Chennai.

2. The Director General of Police,
Head of Police Force,
Chennai.

3. The Deputy Inspector General of Police,
Armed Police,
Chennai – 10.

4. The Commandant,
TSP XV Battalion,
Sevoor, Vellore Dt.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India
for the issuance of Writ of Certiorarified Mandamus, directing the



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respondents to call for the records (i) on the file of the third respondent in connection with Suo Moto Review in Na.Ka.No:C1/144/2022 dated 06.10.2022 (ii) on the file of the fourth respondent in connection with modification of punishment of dismissal dated 26.10.2022 and (iii) on the file of the second respondent in connection with confirmation order of punishment dated 06.03.2024 and set aside the same and further direct the respondents to accept the voluntarily resignation of the petitioner on health grounds, so as to releave peacefully from duty with monetary benefits due to the petitioner.

For Petitioners : M/s.T.Aananthi
For Respondents : Mr.E.Vijaya Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 06.10.2022 and the order passed by the fourth respondent dated 26.10.2022, thereby punishment of dismissal from service and the order passed by the second respondent dated 06.03.2024, thereby confirming the order passed by the fourth respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The petitioner was appointed as Police Constable on 01.11.2017. While being so, the petitioner was charged for unauthorised absence. After the enquiry, the Disciplinary Authority imposed punishment of postponement of increment for three years with cumulative effect. Even after the punishment, the petitioner failed to report to duty and as such, the said punishment order was reviewed *suo-moto* by the fourth respondent and imposed punishment of dismissal from service was imposed. Aggrieved by the same, the petitioner preferred a revision before the second respondent and the same was rejected by an order dated 06.03.2024. Hence, this writ petition.

4. The learned counsel appearing for the petitioner would submit that the fourth respondent, on its own *suo-moto*, reviewed the original punishment of postponement of increment for three years with cumulative effect and modified the same into one of dismissal from service. The petitioner was not given an opportunity of hearing, while modifying the punishment, and as such it is a clear violation of principles of natural justice. The petitioner was absent only due to his ill-health. The petitioner had undergone surgery for his ailments and also went for



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native treatment. Therefore, the petitioner could not attend the office due to the said ailments. He could not able to stand, squat, sit on chair and walk.

5. A perusal of the records reveals that the petitioner was himself deserted from service with effect from 15.05.2020 to 10.05.2021, thereby he had absented for 361 days. Therefore, disciplinary action was taken as against the petitioner and he was imposed punishment of postponement of next increment for the period of two years which shall not operate for future increments. As against the said punishment, the petitioner filed an appeal and in the appeal, the said punishment was modified into that of “black mark” by the proceedings dated 09.07.2021. After joining to the duty on 03.11.2021, the petitioner was posted in the main gate guard. However, the petitioner slept inside the guard room without doing duty. Once again, the petitioner was served with a charge memo and after enquiry, he was imposed with a punishment of postponement of increment for the period of two years which shall not operate in future increments. Once again, the said punishment was reviewed on *suo-moto* and modified into that of “black mark” by the proceedings dated 28.04.2022.



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6. Thereafter, the petitioner himself deserted from 22.11.2021 to 27.10.2022 for a period of 340 days. Again the petitioner was charged with a charge memo and after due enquiry, he was imposed punishment of postponement of next increment for the period of three years which shall operate to postpone his future increments and he was permitted to join duty. However, the petitioner failed to join duty even thereafter. Therefore, the said punishment was reviewed on *suo-moto* and enhanced into that of dismissal from service by an order dated 06.10.2022. Therefore, the said order was also confirmed by the revisional authority by an order dated 06.03.2024.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent. Thus, the writ petition lacks merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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

1. The Secretary,
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Fort St.George,
Chennai.
2. The Director General of Police,
Head of Police Force,
Chennai.
3. The Deputy Inspector General of Police,
Armed Police,
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