



W.P.No.38184 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38184 of 2016

and

W.M.P.Nos.32224 & 32225 of 2016

R.Saravanan

... Petitioners

Vs.

1.The Deputy Inspector General of Police,
Coimbatore Range, Race Course,
Coimbatore 18.

2.The Superintendent of Police
O/o.District Police Office (Rural),
Coimbatore,
Coimbatore District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.T2/9499/2015, dated 28.9.2015 and quash the same

For Petitioner : Mr.C.Prakasam

For Respondents :

(for R1 and R2) : M/s.Alagu Goutham, Govt. Advocate



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ORDER

The above Writ Petition has been filed challenging the order passed by the 1st respondent dated 28.09.2015 in and by which the 1st respondent had imposed a punishment of postponement of 2 increments with cumulative effect on the petitioner.

2. It is the case of the petitioner that he had been appointed as a Police Constable on 27.05.1988 in the Tamil Nadu Special Police Department from where in the year 1994 he was transferred to the Coimbatore Armed Reserve Police. Thereafter, in the year 2001 he was transferred to the PCR Wing in Coimbatore as a Grade-I Constable and subsequently promoted as Head Constable and posted in the District Crime Branch, Coimbatore. On 01.06.2013, he was promoted as a Sub Inspector. From there, he was transferred as a Special Sub Inspector of Police in the District Crime Branch Record Bureau. When the impugned order was passed, he was working as Special Sub Inspector at Pollachi Mahalingapuram Police Station.



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3. The petitioner was allotted the police quarters in the year 1998 in the Upplilipalayam Rural Police Quarters by the 2nd respondent. When the petitioner was residing there along with his family members, one another constable by name, Kumaravel was residing in the house opposite to that of the petitioner. The said Kumaravel had given a lot of pin pricks to the petitioner and his family members and he was also leading an immoral life and bringing home different women. This was objected to by the petitioner and he had also brought it to the notice of the higher police officials. However, no action was taken against the said Kumaravel as he was working as a writer for the Armed Inspector of Police one V.R.Balasubramaniam who was closely associated with the higher police officials. On coming to know about the complaint made by the petitioner, the said Balasubramaniam and Kumaravel had obtained orders from the Additional Superintendent of Police for shifting the petitioner out of the quarters. By an order dated 17.07.2014, the Additional Superintendent of Police had allotted the petitioner quarters at B.2 Pothanur Police Quarters.



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4. The order of shifting was brought to the petitioner's house by the Inspector of Police, V.B.Balasubramaniam. The said Balasubramaniam came along with 10 police constables and a cameraman to the petitioner's quarters and asked the petitioner to vacate the quarters within one hour failing which he threatened to throw out the entire household articles outside. When the wife of the petitioner had made a request to give some time to vacate the quarters, the said Inspector of Police and one Kumaravel had forcibly attempted to throw out the household articles. They had also used unparliamentary words and threatened her with dire consequences. In sheer shock, she fell down and was immediately taken to Coimbatore Medical College Government Hospital for treatment. At that point, several reporters had enquired about the incident to which the petitioner had responded to the press reporters. The petitioner's response was also published in the newspapers on 19.07.2014 and telecast on television.

5. Following the above, the petitioner was placed under



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suspensions on the ground that he had committed professional misconduct by refusing to receive the order of shifting of quarters besides 3 other grounds.

6. The petitioner was thereafter issued with a charge memo containing 4 charges. To this charge memo the petitioner had submitted a detailed explanation and in order to disprove the claim of the Inspector of Police that the petitioner had refused to receive the shifting orders and had abused him, the petitioner had made a request to the domestic enquiry officer to provide the CCTV footage. However, without considering the same and without giving a reasonable opportunity to the petitioner, the domestic enquiry officer had concluded the enquiry and submitted his report before the 2nd respondent stating that charges are proved. Ultimately, the 2nd respondent by order dated 01.05.2015 had imposed a punishment of postponement of two increments with cumulative effect. Aggrieved by the same, the petitioner had preferred an appeal before the 1st respondent. By order dated 28.09.2015, the 1st respondent had rejected the appeal and confirmed the order passed by the 1st



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respondent. Challenging the same, the petitioner is before this Court.

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7. A counter affidavit has been filed in which the 2nd respondent has set out that the petitioner and his family members were in the habit of picking up quarrel on trivial issues with the neighbours and several complaints had been received about this quarrelsome and aggressive nature of the petitioner and his family members. After an enquiry, Inspector General of Police, West Zone, Coimbatore vide his instructions dated 16.07.2014 had directed both the parties i.e; the petitioner as well as Kumaravel to vacate the quarters. The said Kumaravel who was served with the shifting notice had immediately complied with the shifting order and vacated his premises.

8. When the Inspector of Police Armed Reserved had gone to serve the shifting order on the petitioner, not only had he refused to receive the same, but he had also abused the Inspector in front of the public. The Writ Petitioner's wife had also used filthy language and threatened to commit suicide. That apart, the petitioner had gathered media persons and briefed the media with false information without obtaining any prior authorisation from his superior in this regard and



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thereby violating the Rules 15 and 16 of TNPSS 1964 apart from bringing down the image of the Department in the eyes of the general public. Therefore, the petitioner was placed under suspension. This suspension order was challenged by the petitioner in WP.No.21702 of 2014 where he had obtained an interim order and thereafter he was reinstated into service. The 2nd respondent would submit that due process of law has been followed before the impugned order has been passed.

9. Heard the counsels on either side.

10. The petitioner who belongs to the uniformed services by addressing media persons has definitely brought down the image of the police in the eyes of the general public. The petitioner's claim that he was directed to vacate the premises within an hour appears to be a false statement since the 2nd respondent in his counter clearly stated that the department had given an advance notice to the petitioner about the order directing him to vacate the premises. However, the



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petitioner had not only refused to receive the said notice but had also started abusing the Inspector of Police who is his superior and who was entrusted with a task of serving the order upon him. The petitioner is expected to behave with dignity and decorum not only in his official capacity but also in his personal capacity especially when he is before the general public. The petitioner by his own high handed and arrogant manner has invited the impugned order. I see no reason to interfere with the same.

11. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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P.T. ASHA. J.,

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