



W.P.No. 15834 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No. 15834 of 2020
and
W.M.P. No. 3438 of 2021

V.Parthasarathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Mylapore,
Chennai – 600 004.
3. The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram District,
Kancheepuram.
4. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.



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5. The Deputy Superintendent of Police,
Sriperumbudur Sub-Division,
Sriperumbudur & Taluk,
Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents, particularly the appeal proceedings dated 07.07.2017 vide C.No.B4/1258/2017, Range Appeal No.08/2017, on the file of the third respondent, on the basis of enquiry proceeding of the fourth respondent on the Charge Memo dated 05.10.2015 and quash the same by considering the petitioner's representation dated 22.10.2017 to the second respondent.

For Petitioner : Mr. R.Thanjan

For Respondents : Mr. A.M.Ayyadurai,
Government Advocate

ORDER

The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the records of the respondents, particularly the appeal proceedings dated 07.07.2017 (C.No.B4/1258/2017, Range Appeal No. 08/2017) on the file of the third respondent.



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2. The learned counsel for the petitioner would vehemently contend that the petitioner was awarded a letter of appreciation from the fourth respondent and also the Chief Minister's medal. However, under false charges and without proper enquiry, the petitioner was found guilty and imposed with a punishment of withholding increment for three years with cumulative effect. The learned counsel further contends that the appeal was also not considered in its right perspective and was dismissed without application of mind and by way of non-speaking order. Furthermore, it is also contended by the learned counsel for the petitioner that the punishment is shockingly disproportionate to the gravity of the charges. Hence, he prayed to interfere with the order of punishment.

3. Per contra, the learned Government Advocate appearing for the respondents contended that a domestic enquiry was conducted against the petitioner, and even in the domestic enquiry, the petitioner himself admitted against the conversation regarding demand of money, between himself and one Iyyappan. However, the petitioner contended that, such confabulation is a pretension to trap the said Iyyappan, and to bring him to the Police Station.



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Therefore, the fact remains is that the Enquiring Authority consider the admission regarding incriminating conversation. He would further contend that the explanation of the petitioner in the right perspective. It is further contended by the learned Government Advocate for the respondents that the punishment imposed against the petitioner is proportionate to the gravity of the charges. Therefore, contended that there are no grounds to interfere with the order of punishment.

4. I have given anxious consideration to the submissions made on either side.

5. The sum and substance of the contention of the learned counsel for the petitioner is that the Enquiring Authority did not appreciate the evidence in its right perspective. While perusing the enquiry report, I could not find any infirmity in the procedure followed by the Enquiring Authority. The only charge against the petitioner is that he demanded a bribe through phone conversation from the complainant/Iyyappan, and such conversation was recorded by him and was circulated on WhatsApp, thereby the department's reputation was severely affected. It is pertinent to mention here that, in his



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explanation to the charge, the petitioner/delinquent himself admitted to take the conversation with the said Iyyappan. To put it differently he admits the confabulation of demanding bribe from the complainant.

6. At this juncture, the learned Government Advocate appearing for the respondents invites the attention of this Court to their counter-affidavit, wherein it is mentioned that, according to the enquiry report, the charges against the petitioner have been proved based on call details and WhatsApp audio. The learned Government Advocate further invites the admission of the petitioner about the mobile conversation, and the demand of Rs. 1,00,000/- as a bribe. Therefore, when there are such admission by the petitioner himself, before the Enquiring Authority, his subsequent explanation that it was only a pretension to invite the said Iyyappan to the Police Station, for further enquiry cannot be gone into by this Court, while exercising the power of judicial review under Article 226 of the Constitution of India.

7. It is pertinent to mention here that whenever this Court considers the orders of the authority, under Article 226 of the Constitution of India, it cannot go into the process of re-appreciation of the evidence, as the appellate



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authority; it is settled principle of law that mere insufficiency of evidence to arrive at a particular conclusion also cannot be gone into by this Court. However, on the facts of the case, there are materials against the petitioner. Thus, I could not find any perversity in the findings recorded by the disciplinary authority as well as the appellate authority. Furthermore, considering the gravity of the charges, the punishment of withholding increment for three years with cumulative effect cannot be held to be disproportionate. Therefore, I do not find any grounds to interfere with the orders of the authorities concerned.

8. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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To

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3. The Deputy Inspector General of Police,
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C.KUMARAPPAN, J.

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