



WEB COPY



W.P.No.15934 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15934 of 2024

S.Vasumathi .. Petitioner
Vs.

1. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai – 600 004.

2. The Superintendent of Police
Erode District.

3. S.Santhi .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India
praying for a writ of mandamus, directing the respondent 1 herein to
consider and dispose of the appeal/representation dated 12.04.2023.

For the Petitioner : Mr.S.Bharanidharan

For the Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
for R1 and R2



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ORDER

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The case of the petitioner is that the third respondent, who is working as Head Constable, has an illicit affair with the petitioner's husband and is ruining the petitioner's family. Therefore, a complaint was given. As a matter of fact, charge memorandum was issued to the third respondent and ultimately, a punishment of stoppage of increment for a period of one year without cumulative effect was imposed against the third respondent. According to the petitioner, the quantum of punishment is not enough.

2. When the matter came up for admission, *Mr.S.Bharanidharan*, learned counsel appearing on behalf of the petitioner, by placing reliance on Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, would submit that when the third respondent has indulged in bigamy and as per the said Rule, only the major punishment of compulsory retirement, removal from service or dismissal from service ought to have been imposed. Therefore, the punishment has to be enhanced.



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3. *Mr.V.P.R.Elamparithi*, learned Additional Government Pleader accepts notice on behalf of the official respondents and opposes the prayer of the petitioner.

4. I have considered the said submissions made on behalf of the petitioner and have perused the material records of the case.

5. As far as disciplinary proceedings are concerned, the same is within the domain of the employer. A person sending a complaint does not have a concomitant right to insist on the quantum of punishment and etc. As far as the Rule relied on by the learned counsel for the petitioner is concerned, the same relates to bigamy. A perusal of the contents of the enquiry report as well as the petitioner's representation, it can be seen that the allegation is that of an illicit affair between the petitioner's husband and the third respondent. Therefore, the said Rule is not applicable.



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6. In view thereof, finding no merits, the present writ petition stands dismissed. There shall be no order as to costs.

20.06.2024

Neutral Citation : Yes/No

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To:

1. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai – 600 004.
2. The Superintendent of Police
Erode District.



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D.BHARATHA CHAKRAVARTHY,J.

(drm)

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