



W.P.No.9654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16247 of 2024
and
WMP.No.17794 of 2024

R.Loganathan

Vs.

.. Petitioner

1. Government of Tamil Nadu
Represented by Additional
Chief Secretary to Government
Home (Public) Department Secretariat,
Chennai-600 009.
2. The Additional Director General
of Police (Law and Order)
Office of the Director General of Police
Mylapore, Chennai-600 004.
3. The Deputy Inspector General of
Police Salem Range, Salem.
4. The Superintendent of Police
Namakkal District Namakkal.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ calling for records relating to the the Orders in (1) Rc. No.B1/111/2438/2015 (Namakkal District PR No.40/G1/2015) dated 16.11.2016 of the 3rd Respondent (2) Rc.No.112726/AP2(2)/2017 dated 26.04.2018 passed by the 2nd Respondent (3) G.O.(D)No.288, Home (Police IV A) Department dated 12.02.2020 of the 1 Respondent to quash all the above said orders and to issue consequential directions to the Respondents (1) to regularize the period of suspension from 18.03.2015 to 17.08.2015 as duty for all purposes (2) to grant annual increments withheld as also the increment (3) to refix his pay on that basis (4) to revise his pensionary benefits and to disburse the arrears of monetary benefits, all within a limited time frame.

For the Petitioner : Mr.Subhash Chandran

For Respondents : Mr.Stalin Abimanyu, AGP

ORDER

This Writ Petition is filed challenging the impugned order of punishment dated 16.11.2016 and the order passed in the appeal dated 26.04.2012 and the order passed in the revision dated 12.12.2020.



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2. The short facts relevant to the disposal of the Writ Petition are that, by a charge memorandum, two charges were leveled against the petitioner. When a victim was gang raped on the night of 15.03.2005 even after receiving the information and visiting the spot, the petitioner did not even pass on any message to the station or take any action, but casually sent the victim home, and thereby the golden hours of the investigation were lost. For the said charge memorandum, originally, the disciplinary authority, by an order dated 16.11.2016 imposed a punishment of postponement of increment cut for a period of 3 years with cumulative effect. However, the appellate authority modified the said punishment as a postponement of an increment for a period of one year without cumulative effect. The said punishment was confirmed by the order in revision as well. The petitioner has already undergone the punishment. Now he is challenging the said order.

3. This court first takes into consideration, the nature of the allegation against the petitioner. Already, the appellate authority has taken a lenient view and modified the punishment into a minor penalty of one increment cut



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for a period of one year without cumulative effect. The same was confirmed in the revision as early as on 12.02.2020.

4. When the impugned order has been passed in the year 2020, the petitioner is approaching this Court after a lapse of four years. The delay is unexplained and huge. Especially when the impugned order imposes only a minor penalty, the Writ Petition cannot be entertained at this point in time, and as such, this Writ Petition is dismissed on the grounds of delay and latches. No costs. Consequently, the connected miscellaneous petition is also closed.

21.06.2024

Neutral Citation : No

jrs



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To

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D.BHARATHA CHAKRAVARTHY, J.

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