



WEB COPY

W.P.No.24140 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19/12/2024

C O R A M

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.24140 of 2021

a n d

W.M.P.Nos.25456, 25458, 25460 of 2021

Gnanasekaran

...

Petitioner's

Vs

1. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai.
2. The Commissioner of Police
Chennai.
3. The Deputy Commissioner of Police
Madhavaram Division
Chennai.

...

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus to call for the records and quash the dismissal order in RC.No.535637/AP3 (2)/2020 dated 19/6/2021 passed



by the first respondent and consequently, direct the first respondent to
reinstate the petitioner in service.

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For Petitioner	...	Mr.G.Saravana Kumar
For Respondents	...	Mr.R.U.Dinesh Rajkumar Additional Government Pleader

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ORDER

This Writ Petition has been filed to quash the dismissal order dated 19/6/2021 passed by the first respondent and consequently, direct the first respondent to reinstate the petitioner in service.

2.Heard Mr.G.Saravanakumar, learned counsel for the petitioner and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader for the respondents 1 to 3.

3.The case of the petitioner herein is similar to that of the dispute which arose in the Civil Appeals in C.A.Nos.1763-1764 of 2022 (*the State of Karnataka and another Vs. Umesh*). In the said Civil Appeals, the Hon'ble Supreme Court has passed the following order:



WEB COPY

W.P.No.24140 of



“17. In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority. The court does not re-appreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether: (i) the rules of nature justice have been complied with; (ii) the finding of misconduct is based on some evidence; (iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and (iv) whether the findings of the disciplinary authority suffer from perversity; and (v) the penalty is disproportionate to the proven misconduct. However, none of the above tests for attracting the interference of the High Court were attracted in the present case. The Karnataka Administrative Tribunal having exercised the power of judicial review found no reason to interfere with the award of punishment of compulsory retirement. The Division Bench of the High Court exceeded its jurisdiction under Article 226 and trenched upon a domain which falls within the disciplinary jurisdiction of the employer. The enquiry was conducted in accordance with the principles of nature of justice. The findings of the inquiry officer and the disciplinary authority are sustainable with reference to the evidence which was adduced during the enquiry. The acquittal of the respondent in the course of the criminal trial did not imagine upon the authority of the



WEB COPY

W.P.No.24140 of



disciplinary authority or the finding of misconduct in the disciplinary proceeding.”

4. In the light of the order passed by the Hon'ble Supreme Court in the Civil Appeals as stated supra, this Writ Petition is dismissed. However, the Competent Authority is directed to give the pending dues to the petitioner within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

19/12/2024

mvs.

Index : Yes / No

Neutral Citation : Yes / No

To

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WEB COPY



W.P.No.24140 of

VIVEK KUMAR SINGH, J

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