



W.P.No.27784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27784 of 2023
and
W.M.P.No.27272 of 2023

R.Pandiarajan,
Presently working as
Superintendent of Police, Central Intelligence Unit,
Prohibition Enforcement, DGP Office Complex,
R.K.Salai, Mylapore, Chennai – 600 004. .. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Department of Home, Prohibition & Excise,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director General of Police / HoPF,
Tamil Nadu, Chennai
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records of the 1st
respondent pertaining to letter No.HSC4/1819-24/2021 dated 22.08.2023
and quash the same.



W.P.No.27784 of 2023

For petitioner : Mr.Richardson Wilson
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned show cause notice dated 22.08.2023 on a proposed disciplinary action to be initiated against the petitioner under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

2.Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents.

3.The disciplinary proceedings have been initiated against the petitioner based on the directions issued by the Hon'ble Division Bench of this Court in W.P.(MD).No.6328 of 2019 dated 15.03.2019. Relevant portion in the order is extracted hereunder:



WEB COPY



W.P.No.27784 of 2023

“13.It is expected that the the police officials who are responsible for disclosure of the identity of the victim would be departmentally proceeded with by the State Government. It is unfortunate that the Superintendent of Police has informed about the number of videos he has received and the number of accused even in the preliminary stage of investigation. Therefore, we find that, this has provoked the public in sharing other videos which reach them in social media and the irresponsible conduct of the police office is highly condemnable by this Court and it is appropriate to issue direction to the State Government to take disciplinary action as against the said police officer.”

4.The impugned show cause notice dated 22.08.2023 has been issued by the 1st respondent only based on the order passed by the Hon'ble Division Bench. If such a show cause notice is not issued, it will result in Contempt of Court and therefore, the show cause notice issued by the 1st respondent cannot be faulted. Afterall the petitioner has been asked to give his explanation for the show cause notice. Therefore, there can be no grievance for the petitioner in giving his explanation and effectively defending himself in the disciplinary proceedings.



W.P.No.27784 of 2023

5. There are absolutely no merits in the writ petition and accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

30.08.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Department of Home, Prohibition & Excise,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director General of Police / HoPF,
Tamil Nadu, Chennai
Dr. Radhakrishnan Salai,
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W.P.No.27784 of 2023

N.ANAND VENKATESH, J.

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W.P.No.27784 of 2023

30.08.2024