



W.P(MD)No.10392 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10392 of 2021

Abdul Khadar Ibrahim.G

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Deputy Commissioner of Police,
Armed Reserve,
Madurai City.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call the records pertaining to the Impugned Order in C.No.D2(1)/PR54/2020/ CPO.No. 1007/2021 dated 05.06.2021 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner

: Mr.Karthick for
M/s.T.Lajapathi Roy Associates

For Respondents

: Mr.P.T.Thiraviam
Government Advocate



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ORDER

The petitioner, a Grade I Police Constable was dealt with a charge memo in PR No.54 of 2020 under Rule 3(b) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 for his participation in a demonstration conducted by All Muslim Federation on 31.12.2019 at Madurai, thereby he has violated Rule 16(2) of Tamil Nadu Subordinate Police Officers Conduct Rules, 1964. After enquiry, the petitioner was imposed with a punishment of 'stoppage of increment for a period of three years with cumulative effect' on 23.03.2021. Challenging the same, the petitioner has filed an appeal before the Commissioner of Police, Madurai/the first respondent herein, however, it was rejected by the order impugned in this writ petition. Therefore, the petitioner has approached this Court in the year 2021.

2.The learned counsel appearing for the petitioner by referring to the order passed by the Appellate Authority submits that



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the Appellate Authority has not considered the issue in detail and without any valid reasons, the order of the Disciplinary authority, imposing the punishment of 'stoppage of increment for a period of three years with cumulative effect' has been confirmed. The main grievance of the petitioner is that the grounds raised by the petitioner have not been considered by the Appellate Authority.

3.The learned Government Advocate appearing for the respondents has raised serious objections that apart from the participation in the demonstration held on 31.12.2019, the petitioner was also dealt with four other similar charges, wherein, he was imposed with punishment. Hence, the learned Government Advocate submits that there is no need to interfere with the order of punishment.

4. In reply, the learned counsel for the petitioner submits that the charges referred by the learned Government Advocate were quashed by this Court in WP(MD) Nos.10399 of 2021, 25673 of



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2022 and WA(MD) No.2276 of 2024. The learned counsel further submits that the petitioner has filed an undertaking affidavit before this Court that he will not act as against or contrary to the conduct of the Tamil Nadu Police Subordinate Service Rules. Therefore, the learned counsel prays this Court that the order passed by the first respondent /Appellate Authority, confirming the punishment imposed by the disciplinary authority is liable to be quashed.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, who was dealt with charges, under Rule 3(b) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 has approached this Court, challenging the confirmation order of punishment passed by the Appellate Authority. The allegation as against this petitioner is that he has participated in a demonstration conducted by a Muslim Federation. It is also claimed by the respondents that not only the present charge, but also



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the petitioner was facing four similar other charges. No doubt, the police force is a disciplinary force and the police officers are trained to follow strict discipline in their career. It is an admitted fact that the nature of conduct of this petitioner, participating in a demonstration as against the Government cannot be viewed leniently. However, in the present case on hand, the petitioner has filed an affidavit of undertaking that he will not indulge in any such offence in future, violating or contrary to the conduct of the Tamil Nadu Police Subordinate Service Rules.

7.Considering the affidavit of undertaking filed by this petitioner, the nature of allegations and the punishment imposed on the petitioner, this Court is inclined to set aside the order passed by the first respondent.

8.Accordingly, this writ petition is allowed and the order impugned in this writ petition in C.No.D2(1)/PR54/2020/ CPO.No. 1007/2021 dated 05.06.2021 is hereby set aside. The issue is



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remanded back to the first respondent for fresh consideration. The first respondent shall consider the case of this petitioner along with his explanation, if any and take a fresh decision, in accordance with law. No costs.

06.12.2024

NCC:Yes/No

Index:Yes

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To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Deputy Commissioner of Police,
Armed Reserve,
Madurai City.



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B.PUGALENDHI, J.

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Order made in
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06.12.2024