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W.P.(MD) No.6541 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.6541 of 2019
and
W.M.P.(MD) No.5239 of 2019

T.Ravichandran

... Petitioner

-vs-

1.The Additional Chief Secretary
to the Government
Home Department
Secretariat, Chennai

2.The Secretary
Tamil Nadu Public Service Commission
TNPSC Road
Chennai-3

3.The Director General of Police
Chennai-4

4.The Commissioner of Police
Madurai City, Madurai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of first respondent relating to the G.O.(D) No.103 dated 31.01.2019 confirming the original order of third respondent in his proceedings Rc.No.133256/Con.II(2)/2014 dated 18.05.2015 (imposing punishment of next increment for a period of 1 year which shall not operate to postpone his future increments without cumulative effect) and quash the same as illegal and further direct the respondents herein to sanction all service and monetary benefits to to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaram

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1, R3 & R4
Mr.J.Anandkumar
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the order dated 31.01.2019, passed by the first respondent, confirming the order dated 18.05.2015, passed by the third respondent, imposing a punishment of increment cut for one year without cumulative effect on the petitioner.



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2. The petitioner was charged in the disciplinary proceedings initiated by the respondents. As per the charge memo, the petitioner is said to have had a quarrel with a Police Constable, by name, Amudha, who had visited his official residence and the said quarrel is said to have taken place on 28.05.2014, at about 11.00 p.m., in the presence of the family members of the petitioner. An enquiry was conducted in the disciplinary proceedings and the petitioner had participated in the enquiry. The Enquiry Officer held that the charge framed against the petitioner was proved and an enquiry report was submitted to that effect before the Disciplinary Authority. Based on the enquiry report, the third respondent / Disciplinary Authority, passed the impugned order dated 18.05.2015, imposing a punishment of increment cut for a period of one year without cumulative effect on the petitioner. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent. By order dated 31.01.2019, the first respondent also confirmed the order of the third respondent dated 18.05.2015, by upholding the punishment of increment cut for a period of one year without cumulative effect on the petitioner. Aggrieved by the impugned orders, this writ petition has been filed.



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3. As seen from the evidence available on record, it is not in dispute that there was a quarrel between the petitioner and the Woman Police Constable, by name, Amudha, who had visited the official residence of the petitioner. The quarrel had taken place in the presence of the family members of the petitioner. The petitioner was working as Deputy Superintendent of Police at the time when the incident happened i.e., on 28.05.2014. He is a superior officer to that of Amudha, who was only a Police Constable at the time of the incident. The incident happened in late night hours at 11.00 p.m., on 28.05.2014. Only based on the evidence available on record and in view of the undisputed fact that the quarrel had taken place between the petitioner and the Woman Police Constable Amudha in his official residence at late night hours on 28.05.2014, the Enquiry Officer has held, in his enquiry report, that the petitioner is found guilty of the charge framed against him. Only based on the enquiry report, the third respondent has passed the impugned order dated 18.05.2015 imposing a punishment of increment cut for a period of one year without cumulative effect on the petitioner. The Appellate Authority, namely, the first respondent, by his order dated 31.01.2019, has also upheld the punishment imposed on the petitioner by the third respondent / Disciplinary Authority under his order dated 18.05.2015. When the quarrel and the



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presence of the Woman Police Constable Amudha in the late night hours at 11.00 p.m., on 28.05.2014 is not disputed, this Court cannot interfere with the impugned orders, as only based on the enquiry report, the impugned orders have been passed.

4. This Court cannot re-appreciate the evidence in a writ petition filed under Article 226 of the Constitution of India, when there is ample evidence to show that the petitioner, in all probability, would have been involved in the incident, which is the basis of the charge memo. The punishment imposed on the petitioner is also not a grave one and it is also not disproportionate to the nature of the charge framed against the petitioner. It is also to be noted that the petitioner has retired from service.

5. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 2.The Director General of Police,
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ABDUL QUDDHOSE, J.

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