



W.P.(MD).No.14639 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14639 of 2021

M.Saravanan

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General
of Police,
Santhome High Road,
Chennai-4.

2.The Deputy Inspector General
of Police,
Dindigul Range, Dindigul.

3.The Superintendent of Police,
Theni District, Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned punishment order of 3rd respondent in PR-14/F1/2015 dated 30.10.2017 “ postponing next increment for two years and this shall operate to postpone his future increments”, modified by the 2nd respondent in Rc.No.AP-02/A2/2018 dated 05.02.2018 to the effect that



W.P.(MD).No.14639 of 2021

“Postponement of next increment for two years and this shall not operate to postpone his future increments” and confirmed by the impugned order of the 1st respondent in Rc.No.001146/AP.2(3)/2019 dated 15.03.2019, and the consequent impugned proceedings of 3rd respondent in DO. 392/2021/C.No.F3/55/4998/2021 dated 24.03.2021 granting increment from 01.01.2020 on completion of two years punishment increment from 01.01.2018 to 31.12.2019 and the impugned proceedings in D.O.No.585/2021 C.No.A2/13587/2021 dated 15.06.2021 granting Upgradation of Head Constable (Taluk) to the petitioner on and from 01.01.2020, quash the same and consequently directing the respondents herein to grant regular annual increment from 01.01.2018 itself and Upgradation of Head Constable from 01.12.2018 and all other benefits including monetary benefits accrued to the service of petitioner during the punishment period in the light of judgment of acquittal dated 25.01.2021 made in C.C.No.164 of 2015 on the file of learned Judicial Magistrate, Periyakulam, acquitting the petitioner from all the charges beyond reasonable doubt.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned punishment order of 3rd respondent dated 30.10.2017 “postponing next increment for two years



W.P.(MD).No.14639 of 2021

and this shall operate to postpone his future increments”, modified by the 2nd respondent in Rc.No.AP-02/A2/2018 dated 05.02.2018 to the effect that “Postponement of next increment for two years and this shall not operate to postpone his future increments” and confirmed by the impugned order of the 1st respondent in Rc.No.001146/AP.2(3)/2019 dated 15.03.2019, and the consequential impugned proceedings of the 3rd respondent in DO. 392/2021/C.No.F3/55/4998/2021 dated 24.03.2021 granting increment from 01.01.2020 on completion of two years punishment increment from 01.01.2018 to 31.12.2019 and the impugned proceedings in D.O.No.585/2021 C.No.A2/13587/2021 dated 15.06.2021 granting Upgradation of Head Constable (Taluk) to the petitioner on and from 01.01.2020, quash the same and consequently directing the respondents herein to grant regular annual increment from 01.01.2018 itself and Upgradation of Head Constable from 01.12.2018 and all other benefits including monetary benefits accrued to the service of petitioner during the punishment period in the light of judgment of acquittal dated 25.01.2021 made in C.C.No.164 of 2015 on the file of learned Judicial Magistrate, Periyakulam, acquitting the petitioner from all the charges beyond reasonable doubt.



W.P.(MD).No.14639 of 2021

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is a Grade-II Police Constable in the Police Department since 01.12.2003. A civil dispute between the petitioner and his neighbor culminated in the registration of an FIR in Crime No.513 of 2014 of Tenkarai Police Station. Following which, a final report was filed in C.C.No.164 of 2015 on the file of the learned Judicial Magistrate Court at Periyakulam. In the meanwhile, the disciplinary proceedings was initiated as against the petitioner by the respondent authorities by visiting him with a charge memo on 14.03.2015, following which an enquiry was also initiated as against him by the department and on the basis of the enquiry report, the 3rd respondent imposed a punishment of postponement of next increment for two years with cumulative effect, vide order dated 30.10.2017, after rejecting the petitioner's explanation. Pursuant to the same, the petitioner preferred an appeal to the 2nd respondent and the 2nd respondent has modified the punishment, vide order dated 05.02.2018 as postponement of next increment for 2 years without cumulative effect. As against the same, the petitioner preferred a mercy petition before the 1st respondent, however, the 1st respondent dismissed the same confirming the



W.P.(MD).No.14639 of 2021

order of the 2nd respondent, vide order dated 15.03.2019. Assailing the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner, Mr.K.Appadurai submitted that the 2nd respondent ought to have suspended the punishment implemented by the 3rd respondent. However, the same was not done and the punishment imposed on the petitioner is shockingly disproportionate and on that basis pressed for allowing the writ petition.

4. That apart, he also submitted that the criminal case which was pending before the learned Judicial Magistrate at Periyakulam in C.C.No.164 of 2015 after conducting an elaborate trial, had ended in acquitting the petitioner. In view of the same, the petitioner is entitled to get the impugned order to be quashed and accordingly, the writ petition may be allowed.

5. The 3rd respondent has filed a counter affidavit and the learned Special Government Pleader, Mr.D.Gandhiraj vehemently submitted that, the question of interfering with the punishment imposed on the petitioner by the 3rd



W.P.(MD).No.14639 of 2021

respondent was carefully considered by the 2nd respondent in his appeal and the punishment imposed has been modified from postponement of next increment for a period of 2 years with cumulative effect to the one of without cumulative effect. Only thereafter, considering that the same, the 1st respondent had confirmed the order passed by the 2nd respondent, the factum of acquittal of the petitioner in C.C.No.164 of 2015 will not aid the case of the petitioner in any way because he was acquitted on benefit of doubt.

6. The learned Special Government Pleader further relying upon the case of ***Deputy Inspector General of Police and another vs. S.Samuthiram reported in 2013(1) CTC 931*** categorically submitted that, mere acquittal of an employee by the Criminal Court has no impact on disciplinary proceeding initiated by the employer and even punishment of dismissal from service cannot be interfered with and on that basis pressed for dismissal of the writ petition.

7. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents. Carefully perused the materials available on record.



W.P.(MD).No.14639 of 2021

WEB COPY

8. It is needless to state that the petitioner is serving in the Uniform Service of the Tamil Nadu Home Department. No doubt a civil dispute had culminated in the registration of the criminal case against the petitioner. The learned counsel appearing for the petitioner insisted for allowing the writ petition on the ground that the criminal case which was registered as against the petitioner ended in acquittal. The learned counsel appearing for the petitioner also brought to my notice that the order of acquittal came to be passed by the learned Judicial Magistrate Court at Periyakulam on 25.01.2021, that is, after a period of three years from the date of the impugned order. Since the disciplinary authority did not have an opportunity to consider the acquittal order passed by the learned Trial Court, he pressed for interfering with the punishment imposed on him by the 2nd and 3rd respondents. However, the duty of the employees of the Uniform Service is one which requires high level integrity, dedication and discipline. Even in case of civil disputes, the employees of Uniform Services, in their day to day life should conduct themselves with utmost patience and humility having control over their temper. Though the learned counsel appearing for the petitioner vehemently argued on behalf of the petitioner that it is only because of the civil dispute which had



W.P.(MD).No.14639 of 2021

arisen due to the attitude of his neighbour attacking his mother, the petitioner has sustained injury and he was thereafter, hospitalized. His involvement in the dispute may be condoned by this Court and pressed for allowing the writ petition. However, the learned Special Government Pleader categorically contended that his neighbor was also hospitalized simultaneously for injury.

9. In view of the same, this Court is of the considered view that the 2nd respondent has already considered the case of the petitioner gracefully and had reduced the punishment imposed from postponement of next increment with cumulative effect to the one of without cumulative effect and that the punishment imposed is not shockingly disproportionate. Accordingly, this writ petition fails.

10. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

02.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



W.P.(MD).No.14639 of 2021

WEB COPY

To

- 1.The Director General of Police,
Office of the Director General
of Police,
Santhome High Road,
Chennai-4.
- 2.The Deputy Inspector General
of Police,
Dindigul Range, Dindigul.
- 3.The Superintendent of Police,
Theni District, Theni.



WEB COPY



W.P.(MD).No.14639 of 2021

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.14639 of 2021

02.07.2024