



**W.P(MD).No.13860 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 21.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.13860 of 2023**

**and**

**W.M.P(MD)No.11703 of 2023**

K.Murugan

... Petitioner

-VS-

1.The Additional Chief Secretary to Government,  
Home VI Police Department,  
Secretariat, Fort St George,  
Chennai.

2.The Director General of Police,  
Kamarajar Salai,  
Chennai-600 004.

3.The Deputy Inspector General of Police,  
Madurai Range,  
Madurai.

4.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.

.... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the



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records pertaining to the impugned order in G.O(D)No.1580, Home (VI-Police) Department, dated 12.12.2019 passed by the 1<sup>st</sup> respondent confirming the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings in R.No.081876/175/AP11(3)/2013 dated 12.11.2016, modifying the impugned order passed by the 3<sup>rd</sup> respondent vide his proceedings in C.No:A2(2)/3179/AP 53/09 dated 10.09.2009 confirming the impugned punishment awarded by the fourth respondent dated 31.01.2009 in F1/P.R.No.3/2008 and quash the same as illegal and consequently direct the respondents grant all consequential service and monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance  
For Respondents : Mr.S.Shaji Bino  
Special Government Pleader

### **ORDER**

The instant writ petition has been filed by the Head Constable challenging the order passed by the second respondent herein wherein he was imposed with the punishment of postponement of increment for one year without cumulative effect.

2.The petitioner was while working as Head Constable at Armed Reserve, Virudhunagar, he was issued with a charge memo on 07.02.2008 under Rule 3(b) of the Tamil Nadu Police Subordinate Service(Discipline



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and Appeal) Rules, 1955, alleging that after having left the duty at 12.15 p.m., on 14.10.2007, he has not reported for duty at 05.55 on the said date. However, at about 06.15 a.m., on 15.10.2007, he was picking up a quarrel with other police officials, who were at bandobast duty at Jayamangalam Naalu Road Junction.

3.Pursuant to the said involvement of the writ petitioner, an FIR was registered against him in Crime No.207 of 2007 on 15.10.2007, based upon which, a charge memo has been issued as against him. The petitioner has submitted his explanation and enquiry report was submitted on 23.10.2008 with a finding that the petitioner is guilty of charges. The Disciplinary Authority has imposed the punishment of postponement of increment for a period of one year with cumulative effect. The said order was confirmed by the appellate authority.

4.The petitioner herein presented a representation before the second respondent herein, which was treated as a mercy petition by him and after considering the records of the writ petitioner, the second respondent has proceeded to reduce the punishment as postponement of increment without



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cumulative effect. Not being satisfied with the reduction of the punishment, the present writ petition has been filed.

5. According to the learned counsel appearing for the writ petitioner, the criminal case has ended in acquittal and therefore, his presence at 06.15 a.m., on 15.10.2007 has been falsified. He further contended that though he had not reported for duty at 05.55, he had already informed his immediate higher officials that he would not be available at 05.55, in view of the illness of his mother. Therefore, the authority ought to have considered the version of his fellow officials, who were available there and should have been exonerated the writ petitioner from the charges.

6. Per contra, the learned Government Advocate appearing for the respondents contended that even assuming that the petitioner was acquitted from the criminal case, yet the Department is entitled to proceed as against the petitioner for his misconduct. The petitioner had not reported for duty at 05.55 p.m., on 14.10.2007 and he had not informed the higher officials for not reporting to duty. The petitioner had picked up a quarrel with his fellow bandobast officials, who has posted duty at Jayamangalam Nallu Road



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Junction and thereby causing embarrassment to the police department. He further contended that this Court cannot interfere with the quantum of punishment when the same is based on the proved charges.

7.I have carefully considered the submissions made on either side and perused the materials available on record.

8.A perusal of the impugned order passed by the second respondent herein reveals that he had considered the oral evidence of P.Ws.5 to 8 and perused Ex.P.15 and he has taken a very lenient view on the conduct of the writ petitioner by reducing the punishment from postponement of increment for one year with cumulative effect to postponement of increment for one year without cumulative effect. Therefore, it is clear that the order impugned in the writ petition will not cause any monetary loss to the writ petitioner. It can be seen from the allegation and the enquiry report and the order of the disciplinary authority as well as the appellate authority that the petitioner has used filthy language in the public, which has attracted huge embarrassment to the police department. Therefore, this Court does not find any reason to hold that the order of the second respondent is



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disproportionate to the proved charges. There are no merits in the writ petition and hence, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

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- 2.The Director General of Police,  
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**R.VIJAYAKUMAR,J.**

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