



WP(MD)No.21515 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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K.Arun Kumar

.. Petitioner

v.

1.The Inspector General of Police,
Armed Police, Chennai.
(I/c. Armed Police, Trichy)

2.The Commandant,
TSP XIV Battalion,
Palani, Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Na.Ka.No.A3/Tha.Pa.15/21 dated 07.12.2021, confirmed by the first respondent in C.No.A2/Appeal-01/22 dated 01.03.2022, quash the same and consequently, directing the respondents to reinstate the petitioner into service with all monetary benefits.



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For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioner, a Grade II Constable, was indulged in a criminal case in Crime No.804 of 2021 on the file of the Palani Town Police Station, for the offences under Sections 294b, 353 IPC and 4(1)(j) of the Tamil Nadu Prohibition Act. A charge was framed as against the petitioner under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal Rules) in PR.No.15 of 2021. He was imposed with a punishment of removal from service by order dated 07.12.2021. This order of punishment is challenged in this writ petition.

2.The only ground raised by this petitioner is that that he was not furnished with the documents during the inquiry.



3.Learned Special Government Pleader appearing for the respondents submitted that as many as 21 documents were referred by the Department and all these 21 documents were mentioned in the charge memo itself. He further submitted that these documents were also furnished to this petitioner and in this regard, he has produced the letter of this petitioner addressed to the inquiry officer dated 27.09.2021 admitting the receipt of documents 1 to 21.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.The scope of judicial review in matters relating to disciplinary proceedings is very limited. It is meant to ascertain as to whether due process was followed and whether a fair opportunity was accorded to the employee concerned. The power of Courts is limited to reviewing the decision making process, rather than the merits of the decision itself. This is to ensure fairness in treatment and not the fairness of the conclusion. The Courts should not interfere with the findings of the fact arrived at in the



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departmental enquiry proceedings, except in cases of mala fide or perversity.

6.The only ground raised by the petitioner in this regard is the non-furnishing of documents to him. However, the learned Special Government Pleader has established that the documents have been served on the petitioner and the petitioner has in fact admitted the same.

7.The other grounds raised by the petitioner are not coming under the scope of judicial review. Therefore, this Court is not inclined to entertain this writ petition and the same is accordingly, dismissed. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

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