



W.P.(MD)No.47 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.47 of 2017

K.S.Hari Krishnan

... Petitioner

versus

1. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

2. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

3. The Assistant Superintendent of Police,
Thuckalay Sub Division,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in C.No.L2/PR.98/2014 dated 10.01.2015 along with order of punishment vide S.O.No.2/2015 dated 21.01.2015 issued by the 2nd respondent and the consequential appeal filed by the petitioner in proceedings vide Na.Ka.No.C4/Me.Mu.22/2015 dated 23.04.2015 along with order of punishment vide A.S.O.No.19/2015 dated 07.05.2015 on the file of the 1st respondent and quash the same as illegal and consequently direct the respondents to regularize the increments and



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other related salary benefits payable to the petitioner.

For Petitioner : No appearance

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner, an Inspector of Police, was imposed with a punishment of postponement of increment for a period of one year without cumulative effect, by proceedings of the second respondent in C.No.L2/PR. 98/2014, dated 10.01.2015. Challenging the same, the petitioner has preferred an appeal before the first respondent and the same was dismissed by the first respondent, by his proceedings dated 23.04.2015. As against the order of punishment dated 10.01.2015 and the dismissal order of the appellate authority dated 23.04.2015, the petitioner has filed this writ petition.

2. This writ petition filed in the year 2017 was taken up for hearing in the year 2023. When this writ petition was listed for hearing on 02.08.2023, Mr.V.R.Shanmuganathan, learned counsel, represented that he is instructed to file change of vakalath. Considering the said submission, this Court, by order dated 02.08.2023, directed the Registry to delete the name of the then



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counsel Mr.D.Saravanan and adjourned this case on 17.08.2023. It appears that the new counsel has not filed any vakalat, however, adjournments were taken on 17.08.2023 and also on 08.09.2023. Thereafter, when this writ petition was listed on 04.11.2024, once again, a similar representation was made and there was no proper representation from the petitioner. Therefore, this Court, by order dated 04.11.2024, directed the Registry to list this writ petition in the name of the petitioner and adjourned the matter to 05.11.2024. On that day also, there was no representation for the petitioner and therefore, this Court directed the Registry to list this writ petition on 06.11.2024 under the caption "For dismissal". Even on that day, i.e. on 06.11.2024, there was no representation for the petitioner and the then counsel Mr.D.Saravanan has made a representation that he has filed a change of vakalat for the petitioner. Therefore, the case was adjourned to 11.11.2024. On that day, learned counsel Mr.D.Saravanan, submitted that he has returned the papers and he has also filed a memo to that effect. In the meantime, learned counsel Mr.V.R.Shanmuganathan appears to have filed vakalat for the petitioner. Therefore, this Court, by order dated 11.11.2024, directed the Registry to list this matter in the name of Mr.V.R.Shanmuganathan. Though Mr.V.R.Shanmuganathan has filed his



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vakalat on 03.08.2023, his name has not been printed and therefore, there was no proper representation in this case. However, when this writ petition is taken up for hearing on 12.11.2024, Mr.V.R.Shanmuganathan, learned counsel for the petitioner submitted that he has also returned the papers to the petitioner. Therefore, this Court, by its order dated 12.11.2024, directed the Registry to delete the name of Mr.V.R.Shanmuganathan, list this writ petition in the name of the petitioner and also directed the learned Additional Government Pleader, to inform the petitioner about the listing of this case.

3. Today, this writ petition is listed in the name of the petitioner. However, there is no representation for the petitioner.

4. The learned Additional Government Pleader submits that the listing of this case was duly intimated to the petitioner through the Liasoning Officer attached to the Government Pleader Office.

5. Since there is no representation for the petitioner, this Court perused the petition, the counter affidavit and disposed of this writ petition



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by passing this order.

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6. The petitioner was issued with a charge memo under Rule 3(a) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, in PR.No.98/2014, for the following charges:

i) Reprehensible conduct in having written false daily diary for 15.09.2014 as if he has performed village rounds duty on the same day by Government vehicle TN 74G 0536.

ii) Disobedience of orders of Superintendent of Police, Kanniyakumari District in having failed to attend the monthly crime meeting convened by Superintendent of Police, Kanniyakumari District on 16.09.2014 despite advance intimation.

iii) Indisciplinary conduct in having proceeded to the court of 2nd Additional District and Sessions, Thoothukudi on his own accord to give evidence in Thoothukudi North Police Station Cr.No.521/2013 u/s. 341, 294(b), 307, 387 and 506(ii) IPC without informing his superiors.

iv) Reprehensible conduct in having gone to medical treatment on his own accord on 19.09.2014 without obtaining prior permission and without even informing his immediate superiors i.e.ASP, Thuckalay.

v) Indisciplinary conduct in having failed to obtain prior permission from the competent authority to avail



medical leave from 19.09.2014 to 28.10.2014 and in having failed to submit his leave application for the said period through his immediate superior ASP, Thuckalay and thereby violated order No.272(3) of PSO Vol.I.

vi) Neglect of duty in having failed to furnish his leave address in his leave application submitted for the two spells from 19.09.2014 to 28.09.2014 and from 29.09.2014 to 13.10.2014 and thereby violated order No.272(2) of PSO Vol.I.”

7. The petitioner has submitted his explanation on 26.12.2014. Thereafter, the Superintendent of Police, Kanniyakumari District, by his order dated 10.01.2015, imposed a punishment of postponement of increment for a period of one year which shall not operate to postpone his future increments. As against the order of punishment dated 10.01.2015, an appeal preferred by the petitioner was rejected by the Deputy Inspector General of Police, Tirunelveli Range. Challenging the same, the petitioner has filed this writ petition.

8. The petitioner has attributed some motive as against the disciplinary authority. However, he has not substantiated with any material



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that there is any motive for the disciplinary authority to impose the punishment. It appears that the disciplinary authority has imposed a lenient punishment for the charges levelled against him.

9. The petitioner, for his unauthorised absent, has stated that that he was suffering with cardiac problem and therefore, he did not report for duty from 19.09.2014 to 28.10.2014. The Superintendent of Police, Kanniyakumari District, in his counter affidavit, has stated that the petitioner has produced a medical certificate as if he was suffering from back pain.

10. Since the petitioner has not made out any ground to review the order of punishment passed by the disciplinary authority dated 10.01.2015 and the dismissal order passed by the appellate authority dated 23.04.2015, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

14.11.2024

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NCC : Yes / No.

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B.PUGALENDHI, J.

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