



W.A.(MD)No.34 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.34 of 2017

I.Raju

...Appellant

/Vs./

1.The State of Tamil Nadu,
Rep. By its Secretary,
Home Department,
Chennai – 9.

2.The Director General of Police,
Santhome,
Chennai – 04.

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

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

...Respondents



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(R1 is amended vide Court order dated 24.10.2016 in CMP(MD)No.8985 of 2016 in WA(MD)NO.SR65429 of 2011.)

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and to set aside the order passed by this Court in W.P.(MD)No.10673 of 2011 dated 20.09.2011.

For Appellant : Mr.GAndiappan

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed by the writ petitioner against the order of the writ Court dated 20.09.2011 passed in W.P.(MD)No. 10673 of 2011, which was filed challenging the order of the first respondent imposing punishment of dismissal from service to the writ petitioner and seeking for reinstatement of the writ petitioner and settlement of retirement benefits and pensionary benefits.



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2. The case of the writ petitioner is that he was working as a Police Constable and disciplinary action was initiated against him for the illegal conduct of high handed action in taking away the money from the accused persons. After enquiry, the charges against the writ petitioner were held proved and the writ petitioner was dismissed from service. His appeal to the Deputy Inspector General and the review petition to the Inspector General of Police were also dismissed. The challenge made by the writ petitioner before the Tamil Nadu Administrative Tribunal, Chennai, was also dismissed. After a long period of time, a representation was made by the writ petitioner for his reinstatement and for consideration of the same, he filed a writ petition in WP(MD)No. 12238 of 2009, which was disposed directing the respondents to consider the representation of the writ petitioner, for which the first respondent has passed the impugned order dated 03.02.2010, which was impugned in the writ petition.



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3. The learned Single Judge of this Court dismissed the writ petition stating the reasons that filing a representation after a period of 13 years of passing of the tribunal order and 25 years of dismissal from service is violative of the procedure and that the order of the tribunal has attained finality. Challenging the same, the present writ appeal is filed by the writ petitioner.

4. The learned counsel appearing for the appellant submits that the first respondent, without following the principles of natural justice and without hearing the appellant, dismissed the representation of the appellant. The representation was filed to consider the case of the appellant sympathetically on the basis of the recommendation made by the Inspector of Police, who by proceedings dated 29.03.1998 recommended that the appellant was in noway connected with the charges levelled against him. The learned Single Judge of this Court failed to see that the Director General of Police had instructed the Deputy Superintendent of Police to take steps for investigation as per the records. Only thereafter, The Deputy Superintendent of Police recommended the



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case in favour of the appellant. Hence, he prayed this Court to allow this writ appeal.

5. The learned Special Government Pleader appearing for the respondents submits that filing a representation after a period of 13 years of passing of the tribunal order and 25 years of dismissal from service is bad in law when the order of the tribunal has attained finality. Hence, he prayed for dismissal of this writ appeal.

6. Heard the rival submissions made on either side and perused the materials placed before this Court.

7. On going through the typed set of papers, it is seen that the enquiry was conducted, where the appellant was charged for his illegal conduct of taking away the money from the accused persons and hence, the punishment of dismissal from service was imposed on the appellant. The appeal filed before the Deputy Inspector General and the review



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petition before the Inspector General of Police were dismissed and finally, the application filed before the Tamil Nadu Administrative Tribunal, Chennai, in the year 1993 was also dismissed on 26.04.1996, which has attained finality, since no challenge has been made against that order. After a long period of 13 years of passing of the tribunal order, making a representation seeking all aforesaid benefits is bad in law.

8. The learned Single Judge of this Court has rightly held that when the disciplinary, appellate, Government and the Tamil Nadu Administrative Tribunal have considered the challenge and have rejected the case of the writ petitioner, it is not known as to how an Inspector General of Police and Deputy Superintendent of Police can offer their own remarks or opinion regarding the findings, recorded by the enquiry officer. He was also right in holding that the Government has considered and rejected the case of the appellant, way back in the year 1986, it is not open to him to resurrect the dead matter, by giving a representation after 13 years of tribunal order.



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9. In view of the aforesaid observations, there is no infirmity in the order passed by the learned Single Judge of this Court and the same does not warrant any interference. Accordingly, this writ appeal is dismissed. No costs.

(V.B.S.J.) & (K.K.R.K.J.)
18.03.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
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TO:-

- 1.The Secretary,
Home Department, Chennai – 9.
- 2.The Director General of Police,
Santhome, Chennai – 04.
- 3.The Deputy Inspector General of Police,
Madurai District.
- 4.The Superintendent of Police,
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and
K.K. RAMAKRISHNAN, J.

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