



W.P.(MD)No.18770 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.18770 of 2017

and

W.M.P.(MD)No.15145 of 2017

K.Nagajothi

... Petitioner

/Vs./

1.The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Inspector General Of Police,
Armed Police, Chennai.
(In-Charge) Armed Police, Trichy.

3.The Commandant,
Tamilnadu Special Police (TSP),
VI Battalion,
Madurai - 625 014.

4.The Secretary to Government,
Home (Pol.IX) Department,
Government of Tamilnadu,
Chennai.

... Respondents

(R4 is suo motu impleaded vide order of this Court dated 19.10.2024 in this writ petition.



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Tha.Pa.No.12/2010 dated 30.06.2010 on the file of the Respondent No.3 and consequential order in Rc.No.35386/AP 3(1)/2014 dated 05.07.2015 on the file of the Respondent No.1 and quash the same as illegal and consequently to provide all monetary benefits and service benefits including promotion on par with others on the date she is entitled without any punishment within the time prescribed by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Associates
For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The petitioner has challenged the impugned orders passed by the respective respondents imposing punishment of two years increment cut with cumulative effect on the petitioner.

2. The petitioner is a Police Constable. Charges were framed against her in the disciplinary proceedings on the ground that she has not attended to the roll-call issued by her superior on a particular date.



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Based on the enquiry report, the disciplinary authority, namely, third respondent as well as the appellate authority, namely, the second respondent have confirmed that the petitioner is guilty of the charge and they have imposed the punishment of two years increment cut with cumulative effect on the petitioner. A mercy petition was also filed by the petitioner before the first respondent and the same has also been rejected. Aggrieved by the same, this writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that in respect of another similarly placed Police Constable, who was also charged, lesser punishment was imposed.

4. The learned Additional Government Pleader appearing for the official respondents has also placed on record the letter dated 07.11.2022 addressed by the Director General of Police, to the Additional Chief Secretary to Government, Home (Pol.IX) Department, Chennai – 9, forwarding representation of the petitioner dated 19.06.2021 seeking for cancellation of the punishment order, which is pending with the Government for its consideration.



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5. No prejudice will be caused to the respondents, if a direction is issued to the Government for considering the petitioner's Review Petition dated 19.06.2021 requesting for cancellation of the punishment order, on merits and in accordance with law, within a time frame to be fixed by this Court.

6. The learned counsel appearing for the petitioner has also not raised any serious objection, if such a direction is issued by this Court.

7. Since the Government is not a party respondent in this writ petition, the Secretary to Government, Home (Pol.IX) Department, Government of Tamilnadu, Chennai, is *suo-motu* impleaded as fourth respondent in this writ petition. Registry is directed to carry out necessary amendment.

8. For the foregoing reasons, this Court directs the newly impleaded respondent, namely, the Secretary to Government, Home (Pol.IX) Department, Government of Tamilnadu, Chennai / fourth



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respondent, to pass final orders on the petitioner's Review Petition dated 19.06.2021 seeking for cancellation of the impugned punishment orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

19.10.2024

Index : Yes / No

NCC : Yes / No

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TO:-

- 1.The Director General of Police,
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.18770 of 2017

Dated:
19.10.2024