



W.P.(MD)No.23781 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.23781 of 2017

and

W.M.P.(MD)No.19966 of 2017

S.Ravichandran

: Petitioner

Vs.

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

2.The Additional Director General of Police,
Law & Order,
No.1, Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

3.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli – 11.

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

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent in Rc.No.66900/AP.2(1)/2016 dated 29.05.2017 and proceedings of third respondent in Na.Ka.No.C4/ME.MU.114/2015 dated 11.01.2016 and proceedings of the fourth respondent in Na.Ka.No.P4/PR.130/2015 dated 06.10.2015 and quash the same as unconstitutional and unsustainable and grant him all service and other attendant benefits from the date on which he is entitled to.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

ORDER

This Writ Petition has been filed challenging the orders dated 06.10.2015 passed by the fourth respondent, order dated 11.01.2016 passed by the third respondent and order dated 29.05.2017 passed by the first respondent.

2.Under the impugned orders, the petitioner has been imposed with the punishment of postponement of increment for one year without cumulative effect. At the time of commission of the offence, the petitioner was working as Special Sub Inspector of



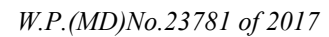
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Police at Munneerpallam Police Station. The following charges were framed against him in the disciplinary proceedings:

a) On 03.01.2015, when he was on duty at check post, Gopalamuthuram, Thamiraparani River Bridge, he received bribe of Rs.500/- from the driver of Eicher vehicle and taken two plantain stalks by threatening him.

b) On 22.01.2015, when he was on duty at the check post, Gopalamuthuram, Thamiraparani River Bridge, he intercepted the polytechnic students and received bribe, asking them for license and insurance which affected the probity of the police department.

3.The petitioner received a show cause notice from the respondents in respect of the two count of charges framed against him and he submitted his explanation on 12.09.2015. The enquiry officer, namely, Deputy Superintendent of Police, Cheranmahadevi, Tirunelveli District, enquired into the allegations levelled against the petitioner after affording opportunity of hearing to the petitioner and by adhering to the principles of natural justice and he submitted a report on 12.07.2015. As per the said report, the charges framed against the petitioner were held to be proved. Based on the enquiry report submitted by the enquiry officer, the fourth respondent passed the impugned order dated 06.10.2015, imposing the punishment of stoppage of increment for a period of one year without cumulative effect on the petitioner.



7. The fourth respondent based on the enquiry report imposed punishment of stoppage of increment without cumulative effect period of one year on the petitioner. The said order was also affirmed by the order of the third respondent and the review application filed by the petitioner was also dismissed by the first respondent. Only based on the evidence available on record, the Bench below have concurrently held that the petitioner is guilty of the charges framed against him and the petitioner is liable to be punished with stoppage of increment for a period of one year without cumulative effect. This Court, hearing the matter under Article 226 of the Constitution of India, cannot re-appreciate the evidence that



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too when the authorities below only based on the evidence available on record have concurrently held that the petitioner is guilty of the charges framed against him and have concurrently imposed a punishment of stoppage of increment for a period of one year without cumulative effect.

8.In the result, for the foregoing reasons, there is no merit in this writ petition.

9.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23.09.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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