



W.P.No.7148 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.7148 of 2018 and
W.M.P.No.8853 of 2018

H.M.Shahul Hameed

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home (Police 2) Department,
Fort St.George,
Chennai.

2.The Director General of Police, Tamil Nadu,
Office of the Director General of Police,
Chennai - 600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records viz., G.O.(D).No.1302, Home (Police 2) Department, dated 26.12.2016 issued by the first respondent and quash the same.

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.T.Chezhiyan, AGP for R1 & R2

ORDER



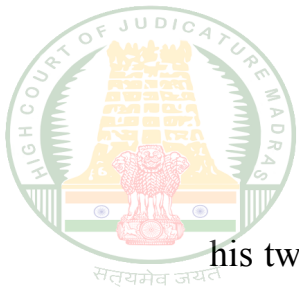
W.P.No.7148 of 2018

This Writ Petition has been filed to call for the records viz.,
G.O.(D).No.1302, Home (Police 2) Department, dated 26.12.2016 issued
by the first respondent and quash the same.

2. Heard Mr.A.S.Baalaji, learned counsel for the petitioner,
Mr.T.Chezhiyan, learned Additional Government Pleader for R1 & R2
and perused the materials available on record.

3. The petitioner was working as an Inspector at Kinathukadavu
Police Station. During the relevant point of time has been given with the
charge memo alleging that he had colluded with the complainant in a case
of road accident and filed a charge sheet as though the accident had
occurred when a lorry had hit the two wheeler in which the two wheeler
rider died on the date of occurrence. The petitioner filed a charge sheet
against the driver of the lorry. In a compensation claim made by the legal
heirs of the deceased before the Motor Accidents Claim Tribunal, the
compensation was awarded and the petitioners in the Motor Accident
Claim Tribunal had got the compensation from the Insurance Company.

3.1. However, the Insurance Company has given a complaint
stating that their investigation revealed that the deceased died only due to



W.P.No.7148 of 2018

his two wheeler hit against the vehicle attached Thar Mixing Machine by himself and died. At the conclusion of the enquiry, the charges against the petitioner was proved and he was given with the punishment of stoppage of increment for two years with cumulative effect. A review petition filed by the petitioner was also dismissed and in this regard, a Government Order has been issued in G.O.(D).No.1197 dated 21.09.2017.

4. The learned counsel for the petitioner submitted that for the occurrence that had taken place in the year 2003, the charge memo had been given only in the year 2012 after an inordinate delay of nearly 10 years and the legal heirs of the deceased who had filed the claim petition before the Motor Accidents Claim Tribunal has got the compensation and the criminal case registered against them was also ended in acquittal. The further submission of the learned counsel for the petitioner is that the Insurance Company did not file any appeal for awarding compensation by the Motor Accidents Claim Tribunal and no appeal has been filed against the judgment of acquittal passed against the accused who had availed the compensation.



W.P.No.7148 of 2018

WEB COPY

5. Despite the petitioner had chosen to file a review petition and availed the statutory remedy and got it dismissed, the petitioner has once again filed this Writ Petition challenging the earlier order dated 26.12.2016 of the first respondent awarding punishment. In fact, this Writ Petition has been filed after the order has been passed in the review petition. In the typed set of papers, the copy of the review petition was also attached. The manner in which this Writ Petition has been filed itself is not maintainable as the petitioner had not chosen to challenge the order passed in the review petition. But, he has chosen to challenge only the order award of punishment in the earlier order.

6. Even on merits, the petitioner cannot claim parity with the private persons who have filed the claim petition for claiming compensation for the death of the deceased. For the reasons best known, the petitioner has not been impleaded as one of the accused in the criminal case filed in this regard. So the reasons stated by the petitioner by citing the acquittal of the private persons in the criminal case and the absence of any appeal filed by the Insurance Company on those orders, do not earn any merit for the case of the petitioner. Hence, this Writ



W.P.No.7148 of 2018

Petition is liable to be dismissed.

WEB COPY

7. In the result, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes /No

Speaking / Non-speaking

Neutral Citation : Yes / No

gsk

13.02.2025



WEB COPY
To



W.P.No.7148 of 2018

R.N.MANJULA, J.

gsk

- 1.The Principal Secretary to Government,
Home (Police 2) Department,
Fort St.George,
Chennai.
- 2.The Director General of Police, Tamil Nadu,
Office of the Director General of Police,
Chennai - 600 004.

W.P.No.7148 of 2018 and
W.M.P.No.8853 of 2018

13.02.2025