



W.P.No.9811 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM:

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

W.P.No.9811 of 2015

Judgment reserved on 20.02.2025	Judgment pronounced on 25.02.2025
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Meiyalagan

...Petitioner

.....Vs.....

- 1.The Principal Secretary to Government,
Home (Police VI) Department,
Secretariat, Chennai - 9.
2. The Director General of Police,
Tamil Nadu, Chennai - 4.
3. The Deputy Inspector General of Police,
Salem Range, Salem.
4. The Superintendent of Police,
District Police Office,
Dharmapuri District,
Dharmapuri.

.....Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order of the fourth respondent herein passed in his P.R.No.97/2007, dated 09.09.2008 and the consequential order passed by the



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third respondent herein in his Rc.No.B2/23535/2008 Appeal No.40/2008 dated 07.01.2009 and the further consequential order passed by the second respondent herein in his Rc.No.48075/AP.2(2)/2009, dated 03.04.2009 and the consequential order passed by the first respondent herein in G.O.(2D) No.379, Home (Police VI) Department, dated 31.07.2013 and to quash the same and consequently direct the respondents to restore the petitioner's pay with all consequential benefits.

For Petitioner : Mr.R.Thirumoorthy

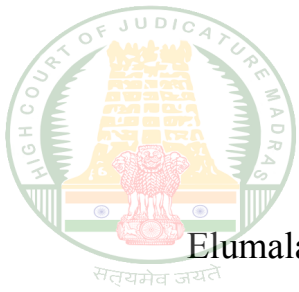
For Respondents : Mr.V.Veluchamy,
Additional Government Pleader

J U D G M E N T

The petitioner seeks to set aside the order of punishment passed by the fourth respondent and confirmed by the first respondent, whereby the punishment of pay reduction by two stages for two years was imposed, affecting his future increments as well.

2. The relevant facts required for determining this case are as follows:

The delinquent Head Constable 1352 Meiyalagan and Gr I Police Constable 1381 Raja were escorting two accused persons, Chidambaram and



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Elumalai, on 14.10.2007 at 16:30 hours from Harur to Salem. Both accused were involved in grave offenses and should have been carefully escorted with a leading chain. However, one of the accused, Chidambaram, who had committed the crime of damaging police personnel's vehicles during a raid, was allowed to escape at 21:50 hours on 14.10.2007 due to the negligence of the escorting policemen. This incident was not immediately reported to the Harur Police Station or the Inspector of Police, Harur.

3. Charges were framed against the petitioner.

4. From the charges, the counter filed by the fourth respondent states that:

(i) The petitioner was appointed as a Gr.II.PC in 1985 and promoted to Gr.I.PC in 1995. While serving as Gr.I.PC at Harur Police Station on 14.10.2007, he was entrusted with escorting two accused persons involved in Harur PS Cr.No.894 of 2007 under Sections 147, 148, 307, and 34 of IPC r/w 4 TNPPD Act, namely Chidambaram, S/o. Saravanan, Pettur, and in Cr.No.885 of 2007 under Sections 498(A) and 302 of IPC, namely Elumalai,



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S/o. Dhanakotti of Kellapparai. He was instructed to produce them before the

Judicial Magistrate, Harur, to obtain a remand order and then transfer them to the Central Prison, Salem. For this escort duty, HC 1164 Sampathkumar was initially assigned but was later replaced by Gr.I PC 1381 Raja.

(ii) The petitioner and Gr.I PC 1381 Raja were escorting the two prisoners when they allowed them to have dinner at a roadside eatery. Suddenly, one of the accused, Chidambaram, escaped from their custody and disappeared in the dark. The petitioner failed to report the escape immediately to his superior officers.

(iii) The petitioner was placed under suspension on 15.10.2007, and departmental action under Rule 3(b) of the TNPSS (D&A) Rules 1955 was initiated against him in PR.No.H2/97/2007. The departmental inquiry found the charge against him proved, and the punishing authority, i.e., the Superintendent of Police, Dharmapuri, awarded him the punishment of pay reduction by two stages for two years, affecting his future increments, on 09.09.2008 (D.O.863/08, dated 09.09.2008). His appeal and mercy petition were dismissed, leading to this writ petition.



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WEB COPY 5. The petitioner was placed under suspension for 40 days for dereliction of duty, as stated in the charge.

6. As per PSO 348 12(a), the minimum strength of the police guard shall be as follows:

- (i) For a single prisoner: two constables
- (ii) For two prisoners: two constables
- (iii) For more than two and up to four prisoners: two constables
- (iv) For more than four and up to six prisoners: three constables.

Hence, no credence can be given to the petitioner's request.

7. In view of in the departmental action under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Disciplinary and Appeal) Rules 1955 he was placed under suspension on 15.10.2007.

8. While the petitioner was responsible for escorting the remand accused from the Judicial Magistrate Court to the Central Prison, Salem, he



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was accompanied by Head Constable Sampath Kumar.

WEB COPY 9. This court heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

10. The State has filed a separate counter, and the Department has also filed a separate counter.

11. It is seen from records, without due diligence, the petitioner allowed the remand accused to dine at a nearby hotel. Taking advantage of the darkness, the remand prisoner, who was charged under Section 302 of IPC, escaped police custody. He was later apprehended by a special police team and remanded to judicial custody.

12. The fact remains that the petitioner failed to report the escape of the remand prisoner from his custody. With 22 years of service, he was expected to be diligent in preventing such an incident. The petitioner also failed to inform the nearby Harur Police Station, Police Inspector Kandasamy, who was on night patrol, or senior officers. The information was not passed to the



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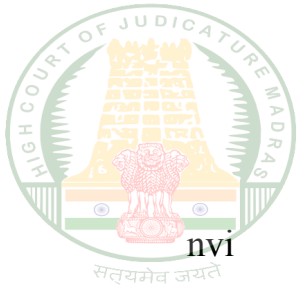
head office for more than one and a half days.

WEB COPY 13. From the inquiry report, all witnesses deposed in support of the charge. Therefore, the fourth respondent, the disciplinary authority, the Superintendent of Police, rightly held that the charges were proved and, after following the necessary procedure, awarded the punishment of pay reduction by two stages for two years, affecting his future increments.

14. After reviewing the inquiry report, I find that the pay reduction of two stages for two years is appropriate. However, in respect of affecting his future increments, I find that the same is not commensurate with the proved charges. While the findings of the inquiry officer and the disciplinary authority are confirmed, the punishment inflicted by the disciplinary authority (R4), as confirmed by R2 and R1, is modified to the extent that the pay reduction by two stages for two years is upheld, but the condition affecting his future increments is set aside.

15. Accordingly, this Writ Petition is partly allowed. No costs.

25.02.2025



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Index : Yes / No

Neutral Citation : Yes/No



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RMT.TEEKAA RAMAN, J.

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