



W.A.No.3743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 09.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.3743 of 2024
and
C.M.P.No.29518 of 2024**

1. The State of Tamil Nadu,
Chief Secretary to Government,
(Home Police II) Department Secretariat,
Chennai - 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Vellore District.

... Appellants

-Vs-

K.M.Sankaran

... Respondent

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.4901 of 2019 dated 06.08.2019 and allow the above writ appeal.



WEB COPY



W.A.No.3743 of 2024

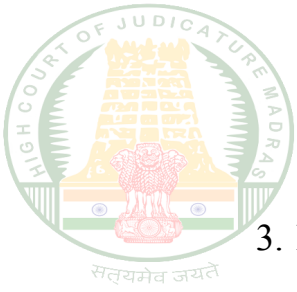
For Appellants : Mr.M.Alagu Gowtham
Government Advocate

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the writ Court dated 06.08.2019 in W.P.No.4901 of 2019.

2. The respondent / writ petitioner was initially appointed as Sub-Inspector of Police in the year 1987 and promoted as Inspector of Police in the year 1999. Thereafter, he was further promoted as Deputy Superintendent of Police in the year 2012 and he had been discharging his duties diligently throughout his career till 2017 where 17(a) charge has been framed against him on 20.09.2017 on the alleged reason that, there had been a death of a Quarry Worker taken place within the jurisdiction of Gudiyatham Police Station on 06.01.2017 which was not brought to the notice of the respondent / writ petitioner by the concerned Inspector of Police one Subbiah, who was the in-charge of the Police Station concerned.



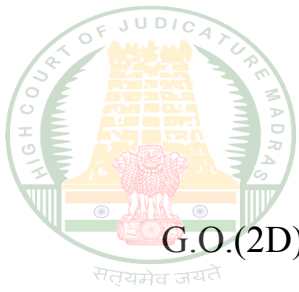
W.A.No.3743 of 2024

3. In this regard, the charge that has been made against the respondent / writ petitioner is that, he has not properly supervised the concerned Police Station or the Inspector of Police concerned or the Police people who had been working in the Police Station who comes under the control of the respondent / writ petitioner.

4. In respect of the said occurrence of death of the Quarry Worker, an enquiry has been conducted and a report of the Additional District Superintendent of Police had been filed, where he has given a clean chit to the respondent / writ petitioner on the basis of on-field enquiry conducted by him, the report in fact stated that, there is no complicity on the part of the respondent / writ petitioner in not carrying out proper investigation in the matter.

5. Despite that the 17(a) charge has been framed against him and even though proper explanation has been given by him, not satisfied with the same, the Disciplinary Authority inflicted the punishment of censure on the respondent / writ petitioner on 08.04.2018.

6. Against the said punishment of censure, the respondent / writ petitioner filed appeal before the Appellate Authority, i.e., Government who by



W.A.No.3743 of 2024

G.O.(2D)No.08 (Police-2) Department had rejected the appeal on 10.01.2019,

challenging these orders, he had approached the writ Court and filed the writ petition.

7. The learned Judge have gone through the factual matrix in fact had directed the respondents therein who are the appellants herein to file service records of the respondent / writ petitioner, as to whether the respondent / writ petitioner has been subjected to any disciplinary proceedings earlier.

8. It was submitted on behalf of the learned counsel appearing for the appellants who are the respondents before the writ Court that, till the present disciplinary proceedings, no such disciplinary proceedings has been initiated against him, therefore, the respondent / writ petitioner had recorded a clean record of service throughout his career right from the appointment till this moment.

9. Moreover insofar as the conduct of the Inspector, namely, Subbiah, who was the in-charge of the Gudiyatham Police Station, the respondent / writ petitioner had written several letters to the Higher Officials including the report dated 10.02.2016 to the Superintendent of Police to take action against the



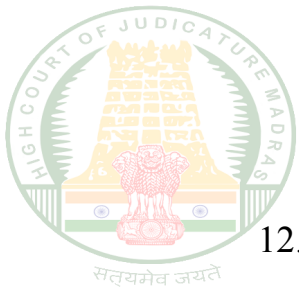
W.A.No.3743 of 2024

Inspector of Police one Subbiah, as he was inactive, non co-operative and

negligent in his duties.

10. Despite his repeated request as well as the report dated 10.02.2016 against the very same Inspector of Police, namely Subbiah of Gudiyatham Police Station, no action had been taken against the said Inspector of Police and he had been continuously permitted to work at the Gudiyatham Police Station itself even in the year 2017 when the alleged occurrence of death of the Quarry Worker taken place.

11. Therefore, there was every justification on the part of the respondent / writ petitioner to claim innocence because the occurrence had not at all been brought to the notice of the Deputy Superintendent of Police, i.e., respondent / writ petitioner by the Inspector of Police either due to his usual lethargic attitude or because of the complaint or report that was given by the Deputy Superintendent of Police against the Inspector of Police, he might have developed some animosity, by thus, he would not have been in a position to bring to the notice of such death of the Quarry Worker to the knowledge of the Deputy Superintendent of Police, i.e., respondent / writ petitioner.



W.A.No.3743 of 2024

12. Moreover, the Additional Superintendent of Police who was directed to conduct an enquiry into the alleged occurrence has submitted a report on 19.05.2017, in which the respondent / writ petitioner was found to be not negligent nor that he was involved in the incident. In fact the report of the Additional Superintendent of Police has given clean chit to the respondent / writ petitioner on the basis of the on-field enquiry conducted by him.

13. Despite the report having been filed by the Enquiry Officer, i.e., Additional Superintendent of Police by conducting the on-field enquiry, without having taken note of the unblemished service record of the respondent / writ petitioner and also the earnest efforts taken by the respondent / writ petitioner in sending several letters to the Superintendent of Police including the report dated 10.02.2016 alleging that the Inspector of Police, namely, Subbiah of Gudiyatham Police Station is not co-operating and he was so inactive, he was to be transferred from the said Police Station and was not to be permitted to continue at Gudiyatham Police Station, all these aspects would coherently go to show that, there can be no blame put against the respondent / writ petitioner as he had no knowledge about the alleged incident of the death of the Quarry Worker. Therefore, even the minimum punishment of censure which has been inflicted against the respondent / writ petitioner as has been



W.A.No.3743 of 2024

confirmed by the Government through the impugned order in G.O.(2D)No.08

cannot stand on the basis of the legal scrutiny as has been held by the learned Judge in the impugned order. The view expressed by the learned Judge on the basis of the factual findings stated in paragraph Nos.12, 13 & 14, in our considered view, is to be accepted.

14. In that view of the matter, the order, which is impugned herein passed by the learned Judge, does not warrant any interference in our hands and therefore, this Writ Appeal fails and hence it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

(R.S.K., J.) (C.S.N., J.)

09.01.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



WEB COPY



W.A.No.3743 of 2024

**R.SURESH KUMAR, J.
and
C.SARAVANAN, J.**

vji

**W.A.No.3743 of 2024
and
C.M.P.No.29518 of 2024**

09.01.2025