



W.P.No.7128 of 2014

WEB COPY **IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 24.03.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.7128 of 2014

S.Govinda Raju

... Petitioner

Vs

- 1.The State of Tamilnadu
Rep. By its Secretary,
Department of Home,
Fort St. George, Chennai-600 009
- 2.The Director General of Police
(Law And Order),
Tamilnadu, Mylapore, Chennai-600 040
- 3.The Superintendent of Police
Commercial Crime Investigation Wing (CCIW)
Crime Investigation Department (cid) C48,
T.N. Housing Board Buld.,
3rd Fr., Anna Nagar,
II Avenue, Chennai-600 040
- 4.The Deputy Inspector General
of Police Salem Range,
Near Guluni School, Salem -636 007
- 5.The Superintendent of Police,
Salem District,
Nethimedu,
Salem- 636 002



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6.T.Gnanasekaran, Deputy
Suptd., of Police,
Commrl., Crime Investn.,
Wing CCIW), Crime Invest., Dept.,
(CID) Coimbatore Sub Division,
No.27, Jawan Bhavan Build.,
Coimbatore-641 018

7.K.Rangasamy
Dy. Suptd., Of Police,
Anti Land Grabbing Special Cell,
Commisionerate,
Coimbatore 641 018

8.S.Baskaran
Inspector Of Police,
Omalur Police Station,
Omalur, Salem District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned orders of the 5th respondent Superintendent of Police, Salem District vide his proceeding P.R.No.31/H1/2011 dated 30.3.2011 imposing punishment of reduction in pay scale by two stages for one year and the subsequent order of the 4th respondent Deputy Inspector General of Police, Salem Range, Salem vide proceedings R.C.No.B1/443/3564/2011 dated 04.01.2012 declining to interfere with the punishment imposed by the Superintendent of Police, quash the same



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For Petitioner : M/s.H.Mary Sowmi Rexi For
Mr.P.Godson Swaminathan

For Respondents : Mr.G.Nanmaran
Special Government Pleader
For R1 to 5

R6 to R8 No Appearance.

ORDER

In this Writ Petition, the Petitioner has challenged the Punishment Order dated 30.03.2011 passed by the 5th Respondent and Order dated 04.01.2012 passed by the 4th Respondent in Appeal No.7 of 2011 against the aforesaid Punishment Order dated 30.03.2011 passed by the 5th Respondent (hereinafter referred to as the 'Impugned Orders').

2. By the aforesaid Impugned Punishment Order dated 30.03.2011, the Petitioner was awarded with the punishment of reduction of pay in the pay scale by two stages for a period of one year and the period of reduction shall not operate to postpone future increment.

3. The Impugned Punishment Order dated 30.03.2011 was



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preceded with a Charge Memo dated 21.08.2009 issued against the Petitioner. The Enquiry Officer appointed by the disciplinary authority namely the Deputy Superintendent of Police, CCIW, CID, Coimbatore Sub Division, Coimbatore initiated disciplinary proceedings against the Petitioner pursuant to the aforesaid Charge Memo dated 21.08.2009.

4. The charges framed against the Petitioner vide Charge Memo dated 21.08.2009 are as follows:-

The undersigned proposes to hold an enquiry against Thiru.S.Govindaraj, HC 2597, CCIW CID, Salem Unit formerly of Namakkal Unit under Rule 3(b) of the TNPSS (D&A) Rules 1955. The substance of allegations namely, the imputations of gross misconduct in respect of which the enquiry is proposed to be held is set out in Annuexure-I. A statement of allegations namely, the imputations of gross misconduct in support of each charge is enclosed in Annexure-II. A list of documents by which and ails of witnesses by whom, the charges are proposed to be substantiated are also enclosed in Annexure-iii and IV respectively. Any other witnesses and documents which are found necessary will be examined during the course of the enquiry.

2.Thiru.Govindaraj, HC 2597, CCIW CID, Salem Unit formerly of Namakkal Unit is directed to submit within 15 days of the receipt of this memorandum, a written statement of his defence and also to state whether he desires Oral Enquiry or to be heard in person or both. If the written statement of defence is not received within the stipulated time, it will be presumed that he has nothing to offer in his defence and further action will be



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pursued.

3. He is informed that an Oral Enquiry will be held and oral evidence shall be heard only in respect of such charges as are not admitted by him. He should therefore, specifically admit or deny each charge.

4.Thiru.S.Govindaraj, HC 2597, CCIW CID, Salem Unit formerly of Namakkal Unit is informed that if he does not submit his written statement on or before the dates specified in paragraph 2 above or not appear in person before the enquiry authority or otherwise or fails or refuses to comply with the provision of rule 3(b) of the TNPSS (D&A) Rules 1955 or the orders of directions issued in pursuance of the said rule, the enquiry authority may hold the enquiry against him exparte.

5.Attention of Thiru.S.Govindaraj, HC 2597, CCIW, CID, Salem Unit formerly of Namakkal Unit is invited to rule 18 of the Tamil Nadu Government Servants Conduct Rules, 1973 under when no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority or further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Thiru.S.Govindaraj, HC 2597, CCIW CID, Salem Unit is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 18 of Tamilnadu Government Servants Conduct Rules 1973.

6.The receipt of this memorandum may be acknowledged.

5. Based on the enquiry proceedings, the 5th Respondent vide Impugned Punishment Order dated 30.03.2011 found the Petitioner guilty of Charges B, C and D and further held that as far as the Charge A



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framed against the Petitioner is concerned, the Petitioner is not found guilty of the same.

6. It is the case of the Petitioner that as far as Charge B is concerned, the Petitioner cannot found guilty in view of G.O.Ms.No.1225 Home(Pol.VI) Department dated 08.09.1998. It is submitted that the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 was amended by way insertion of an explanation. It is further submitted that as per Explanation added to Sub Rule (1) to Rule 9(i) of the aforesaid Rules, a police officer is not required to give notice to the prescribed authority or seek prior permission from the prescribed authority for acquisition or disposal of immovable properties by the members of his family under sub-rule (1), if the immovable property in question is not acquired from the resources of the police officers concerned.

7. It is further submitted by the learned counsel for the Petitioner that as per Explanation to sub-rule (3) to the aforesaid Rules, it has also been clarified that movable or immovable properties acquired by the members of the family of a police officer solely with their own resources



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need not be included in such returns.

8. It is therefore submitted by the learned counsel for the Petitioner that the alleged failure to report the purchase of agricultural land to the extent of 8.11 acres at Karumapuram Village, Valapadu Taluk, Salem District vide Doc.No.1117/2002 and 1118/2002 in the name of the Petitioner's wife Tmt.G.Sugantha on 14.06.2002 did not violate Rule 9(1)(a) of the Tamil Nadu Police Conduct Rules, 1964 as amended by G.O.Ms.No.1225 Home(Pol.VI) Department dated 08.09.1998.

9. As far as the Charge C is concerned, it is submitted by the learned counsel for the Petitioner that the description of the property in Charge Memo dated 21.08.2009 issued against the Petitioner itself was incorrect and valuation obtained was also incorrect.

10. As far as the charge 4 (D) is concerned, it is the contention of the Petitioner that the Petitioner's wife was having milk business and was vending cow milk and had an income of Rs.1,50,000/- to Rs.1,60,000/- per month and that out of the aforesaid earnings a sum of Rs.1,00,000/-



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was deposited by her in a fixed deposit and therefore, it is submitted that there is no question of violation of Rule 9(1)(a) of the aforesaid Rules.

11. Defending the Impugned Orders, it is submitted by the learned Government Advocate for the Respondents that the Impugned Orders are well reasoned and do not warrant any interference. It is submitted by the learned Government Advocate for the Respondents that almost 14 witnesses were examined on behalf of the prosecution. However, the Petitioner did not come forward to cross examine any of the aforesaid witnesses during the disciplinary proceedings.

12. It is submitted by the learned Government Advocate for the Respondents that the Petitioner ought to have obtained necessary certificate from the Joint Director of Agriculture with regard to agricultural income. It is further submitted that the Certificate obtained for the agriculture income of the delinquent, his wife and relatives of the delinquent officer from the Revenue Officials by the Inspector, V&AC is not correct. This is evident from the evidence by PW1 Thiru R.Manoharan, Headquarters Deputy Tahsildar, during the cross



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13. It is submitted by the learned Government Advocate for the Respondents that in order to obtain agricultural income, the Citta and Adangal will be obtained from the concerned Revenue Officials and would be sent it the JD, Agriculture Department to assess the agricultural income. It is submitted that the accurate agricultural income of the delinquent and family members of the delinquent officer could not be judged.

14. I have considered the arguments advanced by the learned counsel for the Petitioner and the learned Government Advocate for the Respondents and also perused the materials available on records.

15. It is noticed that the Petitioner was earlier issued with a revised Charge Memo dated 21.08.2009, in which, four charges were framed against the Petitioner, extracted *supra*. Out of the four charges, the Petitioner was found guilty of three charges, while the Petitioner was not



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found guilty of the first charge in the aforesaid Charge Memo dated 21.08.2009. The Petitioner was found guilty of the last three charges and not guilty of the first charge.

16. It is further noticed that the Enquiry Officer appointed by the disciplinary authority has given a detailed Enquiry Report dated 17.01.2011 consisting of about 58 pages and about 14 witnesses were examined on behalf of the Respondents, no other witnesses were examined on behalf of the Petitioner. All that the Petitioner attempted to do was to cross examine the witnesses of the prosecution. The re-examination was also not allowed.

17. The fact remains that the Petitioner's wife is not an employed person. Therefore, a presumption can be drawn that the Petitioner's wife was not having any independent income. If it is the case of the Petitioner that the Petitioner's wife had independent income from the milk business, then sufficient evidence ought to have been produced by the Petitioner to substantiate the stand. However, the Petitioner has failed to produce any evidence in that regard.



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18. The only difficulty that arises in the Impugned Punishment Order dated 30.03.2011 of the 5th Respondent is that the 5th Respondent has passed a very cryptic order without any discussion. The 4th Respondent, as an appellate authority had also dismissed the Appeal of the Petitioner against the Impugned Punishment Order dated 30.03.2011 of the 5th Respondent vide Order dated 04.01.2012 without much discussion.

19. The punishment that has been awarded to the Petitioner is also not serious in nature. All that has been done is reduction in pay by two stages for one year and the reduction period was not to operate to postpone future increment.

20. Although the Impugned Orders of the 4th and 5th Respondents are not detailed, considering the overall facts and circumstances of the case, I am of the view that the Petitioner has been awarded a very light punishment which does not warrant any interference by this Court,



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considering the fact that the Petitioner was found guilty of the Charges B, C and D framed against the Petitioner.

21. Accordingly, this Writ Petition is dismissed. No costs.

24.03.2025

Neutral Citation : Yes/No
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- To
- 1.The Secretary,
State of Tamil Nadu, Department of Home,
Fort St.George, Chennai – 600 009.
 - 2.The Director General of Police,
(Law & Order), Tamil Nadu,
Mylapore, Chennai - 600 004.



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3. The Superintendent of Police,
Commercial Crime Investigation Wing (CCIW),
Crime Investigation Department (CID),
C48, Tamil Nadu Housing Board Building,
3rd Floor, Anna Nagar, II Avenue,
Chennai – 600 040.
4. The Deputy Inspector General of Police,
Salem Range, Near Guluni School, Salem – 636 007.
5. The Superintendent of Police,
Salem District, Nethimedu, Salem – 636 002.
6. T. Gnanasekaran,
Deputy Superintendent of Police,
Commercial Crime Investigation Wing (CCIW),
Crime Investigation Department (CID),
Coimbatore Sub-division, No.27, Jawan Bhavan Building,
Coimbatore – 641 018.
7. K. Rangasamy
Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Commissionerate, Coimbatore – 641 018.
8. S. Baskaran,
Inspector of Police,
Omalur Police Station, Omalur, Salem District.

C.SARAVANAN, J.

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