



W.P.No.27566 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27566 of 2018 and
W.M.P.No.32093 of 2018

C.Jagadeesan

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.The Deputy Inspector of Police,
Railways,
Chennai 600 008.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Railways, Trichy - 12.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the third respondent in P.R.No.29/2016 dated 23.03.2017 and the orders of 2nd respondent in Rc.No.A2/1489/2017 dated 18.05.2017 and the order of the first respondent in Rc.No.158410/AP/4(2)/2017 dated 29.11.2017 and to quash the same and consequently, direct the respondents to promote the



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petitioner to the post of Special Sub Inspector of Police based on his seniority and eligibility within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Anandakumar, GA

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the third respondent in P.R.No.29/2016 dated 23.03.2017 and the orders of 2nd respondent in Rc.No.A2/1489/2017 dated 18.05.2017 and the order of the first respondent in Rc.No.158410/AP/4(2)/2017 dated 29.11.2017 and to quash the same and consequently, direct the respondents to promote the petitioner to the post of Special Sub Inspector of Police based on his seniority and eligibility within a time frame to be fixed by this Court.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner, Mr.P.Anandakumar, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner has been issued with the charge of negligence as



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the convicted accused who was escorted by the petitioner had escaped and due to the said issue, the petitioner was subjected to disciplinary proceedings. At the conclusion of the said proceedings, the charges against the petitioner were proved and he was imposed with the punishment of stoppage of two increments with cumulative effect along with black mark. On the Appeal preferred by the petitioner, the punishment was modified as stoppage of two increments without cumulative effect with black mark. The review petition filed by the petitioner challenging the above order has been dismissed. Now, the petitioner has filed this Writ Petition.

4. The fact that the petitioner had escorted the convicted accused on the date of occurrence is not in dispute. In fact, the petitioner himself has given a complaint and an FIR has been registered on his complaint by the Trichy Cantonment Police in Crime No.679 of 2016. After strenuous efforts taken by the Trichy Cantonment Police, the escapee was secured.

5. The only contention raised by the petitioner is that for similar such occurrences and similar charges issued to the other polices, lenience



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has been shown and the punishment has been reduced to black mark, but, in the case of the petitioner, severe punishment has been imposed.

6. The learned Government Advocate for the respondents submitted that the petitioner and the co-delinquent have been given with the same punishment and there is no discrimination. As the charges against the petitioner has been proved and there is no violation of principles of natural justice while conducting the enquiry and the order of punishment also not arbitrary and disproportionate, the Writ Petition filed by the petitioner challenging the order of the respondents should be dismissed.

Discussion :

7. Even as per the norms laid down in PSO 348, two constables shall be deputed for escort duty for not more than four prisoners, if they are low risk prisoners. The petitioner is said to have been escorting two prisoners along with another escort police. According to the petitioner, additional strength was not given to him and because of that, the untoward incident had taken place.

8. Though it is not the claim of the petitioner that the prisoners are



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high risk prisoners, the fact remains that the petitioner and the other police constable had to escort them in busy place like Trichy main Bus Stand. The petitioner cannot justify his action for having been negligent and allowed the prisoner to escape from his custody. But the attention of this Court was drawn to various such orders passed against the other constables and the head constables who had been given with the lesser punishment.

9. It is not denied by the learned Government Advocate for the respondents that in similar such occurrences and charges made against such constables have been viewed liberally and they have been given with lesser punishment like black mark. Even in the case of the petitioner, it is not alleged that he has been negligent all along and that similar such charges have already been framed against him and he has been given with the punishment. While imposing the punishment, it is obligatory on the part of the authority concerned to consider the past service records of the delinquent before fixing the quantum of punishment. In the instant case, it is not disputed that the petitioner's past track records were good and that he was not given with any punishment. In fact, in the impugned order



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also such observations were not made.

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10. No doubt imposing lesser punishment for serious charges and stringent punishment for less serious charges is improper. Though the petitioner cannot outrightly claim that he should be treated on par with some other constables who have been given with lesser punishment unminding the different circumstances in which the prisoners had escaped, the past records of the petitioner could have been considered before deciding the quantum of the punishment.

11. Since the respondents did not consider the past clean records of the petitioner while imposing the punishment, I feel a little indulgence be shown by reducing the punishment from two years stoppage of increment without cumulative effect with black mark to one year stoppage of increment without cumulative effect with black mark.

12. With the above observations, this Writ Petition is partly allowed and the punishment imposed to the petitioner is modified from two years stoppage of increment without cumulative effect with black



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mark to one year stoppage of increment without cumulative effect with black mark. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes
Speaking
Neutral Citation : Yes
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R.N.MANJULA, J.

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To

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