



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	21.02.2025
Pronounced on	22.04.2025

WEB COPY

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

WP.No.28416 of 2018

M. Ravi, S/o Manickam Pillai,
Formerly Head Constable,
Thittacheri Police Station,
Nagapattinam District.

....

Petitioner

Vs.

1. State of Tamil Nadu
Rep by its Secretary to Government
Home (Police VI) Department,
Fort St. George, Chennai 9.

2. The Deputy Inspector of Police,
Tanjavur Range, Tanjavur.

3. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

....

Respondents

Prayer :-Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus calling for



WP.No.28416 of 2018

records of the 1st respondent comprised in order dated 11.06.2018 in G.O.[2D] No.198, Home [Police VI] Department confirming order of 2nd respondent in C.No.B2/Appeal.50/2012 dated 12.08.2012, quash the same as arbitrary, illegal, unconstitutional and consequently direct the respondents to reinstate petitioner with all consequential benefits.

For Petitioner : Mr.S.Ramesh

For Respondents : Mrs.S.Anitha, Spl.G.P

ORDER

This Writ petition has been filed to call for records of the 1st respondent comprised in order dated 11.06.2018 in G.O.[2D] No.198, Home [Police VI] Department confirming order of 2nd respondent in C.No.B2/Appeal.50/2012 dated 12.08.2012 and quash the same as illegal and direct the respondents to reinstate petitioner with all consequential benefits.

2.Heard Mr.S.Ramesh, learned counsel for the petitioner and Mrs.S.Anitha, learned Special Government Pleader for the respondents and perused the materials available on record.

2/10



WP.No.28416 of 2018

WEB COPY 3. The petitioner was on special duty as Head Constable in Vallivalam

Police Station. He was given with the charges by alleging that the petitioner had obtained a BSNL SIM card bearing No. 9487354863 by giving a false address and used it to communicate with bootleggers and thereby was doing acts against the Police Department and was actively assisting the accused. Disciplinary proceedings were initiated against the petitioner. The charges were held to be proved, and he was imposed with the punishment of compulsory retirement. The appeal preferred by the petitioner was also dismissed by the Appellate Authority, which directed the petitioner to file a Writ Petition in [WP.No.25119](#) of 2012 by challenging the orders of the Disciplinary Authority and the Appellate Authority. The said writ petition was dismissed with a liberty given to the petitioner to file a mercy petition.

4.The petitioner has filed a Writ Appeal in [W.A.No.1667](#) of 2016 challenging the order passed in the Writ Petition. The writ appeal was also disposed by confirming the order of the learned single Judge, however, the



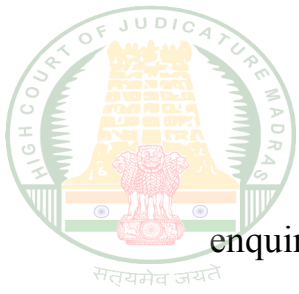
WP.No.28416 of 2018

petitioner was given with a liberty to file a review before the Government.

Subsequently, the petitioner filed a review petition before the Government and the same was also rejected. Now the petitioner has filed this Writ Petition challenging the order of rejection passed by the 1st respondent Government.

5.The learned counsel for the petitioner submitted that the 1st respondent has not considered the grounds raised by the petitioner and has chosen to reject the review petition in an unreasonable manner. It is further submitted that there is no acceptable oral and documentary evidence produced during the enquiry process and the same was not considered by the review authority.

6. So far as the appreciation of evidence is concerned, it has already been done. In fact, the Writ Petition filed by the petitioner challenging the order of the Appellate Authority had also confirmed the same as well. Hence the petitioner cannot be allowed to file a second round of litigation by once again, inviting the court to appreciate the evidence available during the oral



WP.No.28416 of 2018

enquiry conducted by the disciplinary proceedings.

WEB COPY

7. In fact in the order of review of the 1st respondent, he has analyzed whether the process of enquiry made by the Appellate Authority was erroneous or illegal. The findings recorded by the enquiry officer were accepted by the Disciplinary Authority while passing the punishment order, and the appellate authority confirmed the order of the Disciplinary Authority. The fact that the records verified during the investigation of DW-8 has also been discussed in his order. The impugned phone number 9487354863 was the number used by the petitioner and the police station records had confirmed the same.

8. During the enquiry proceedings materials were placed to show that the above SIM card has been obtained by using a bogus address. The fact that the BSNL SIM card bearing No. 9487354863 was used by the petitioner and that it was obtained by furnishing a bogus address would only show the culpable intention of the petitioner. The petitioner did not produce any defence-side witness to disprove the facts proved through the departmental

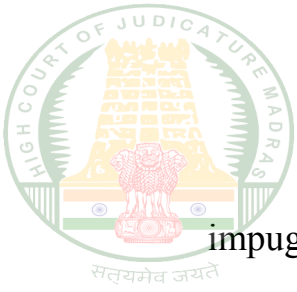


WP.No.28416 of 2018

witnesses. The evidence of the material witness DW-8, Deputy Superintendent of Police, was a crucial piece of evidence.

9. The petitioner was given with an opportunity to cross-examine all the witnesses, including D.W. 7, 8 & 9. DW.7 had verified the address given for availing the above SIM card, and his enquiry revealed that the SIM card was obtained by using a bogus address. DW-8, Deputy Superintendent of Police, Nagapattinam also confirmed the same in his evidence. In fact, DW-8 during his investigation, had enquired DW.7 also. In each of the statements of the witnesses, the enquiry officer, the delinquent, and the witnesses have affixed their signatures, and the enquiry officer has verified the same and affixed the verification signature as well. The petitioner submitted that the witnesses were never examined and there was no authentication attached to the documents verified in the police station where he was working.

10. It was the documents verified by the investigation officer that were the records available in the police station where the petitioner had noted the



WP.No.28416 of 2018

WEB.COM

impugned cell number along with other numbers as his numbers. This may not contain any verification signature, but it is sufficient that the records are proved to be the ones handled by the police officials in the police station. Apart from any call records, it would also show the frequent calls made to various bootleggers/persons having criminal records who were also examined as witnesses. They did not deny that the numbers to which calls received were from the BSNL SIM card number bearing 9487354863 and it did not belong to him.

11. The learned counsel for the petitioner relied on various citations in support of his contention that while imposing major penalties like compulsory retirement and dismissal from service, it has to be seen whether the enquiry has been conducted in a fair and proper manner and the facts before the enquiry officer have been proved by due examination of witnesses. The fact that the petitioner had chosen to cross-examine the witnesses itself would show that the enquiry officer had examined the statement of the witnesses, which is also available on record.



WEB COPY

12. So far as the review petition filed before the 1st respondent is concerned, he is not obligated to re-appreciate the evidence except to confirm whether there is any violation of principles of the nature of justice, whether the order has been passed by the authority who did not have jurisdiction, whether findings have been recorded without any evidence, or whether the enquiry has been conducted by observing the due process. As the first respondent, the reviewing authority got convinced about the satisfactory compliance of the above points during the process of enquiry. He did not find it fit to interfere with the orders passed by confirming the order of the disciplinary authority wherein the petitioner was imposed with the punishment of compulsory retirement.

13. Even though the petitioner tried to make out certain points on the title given to the statement of witnesses, during the enquiry proceedings, he did not choose to object to the same. Further, the above flimsy ground alone will not earn any brownie points. So far as the orders passed in the review petition are concerned, it is seen that the 1st respondent had properly analyzed the orders of the Appellate Authority and had rightly not chosen to



WP.No.28416 of 2018

allow the same.

WEB COPY In view of the above stated reasons, this writ petition is **dismissed**.

No costs.

22.04.2025

Index : Yes/No

Internet : Yes/No

Speaking/ Non Speaking.

Neutral: Yes/No

jrs

To

1. The Secretary to Government
Home (Police VI) Department,
Fort St. George, Chennai 9.
2. The Deputy Inspector of Police,
Tanjavur Range, Tanjavur.
3. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.



WEB COPY



WP.No.28416 of 2018

R.N.MANJULA, J.

jrs

WP.No.28416 of 2018

22.04.2025