

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 4652 OF 2006

R. THALAIMALAI

Appellant (s)

VERSUS

D.I.G. OF POLICE

Respondent(s)

(With office report)

Date: 25/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Mr. K.V. Viswanathan, Sr. Adv.
Mr. B. Ragunath, Adv.
Ms. Neha Sharma, Adv.
Mr. K.V. Vijayakumar, Adv.

For Respondent(s) Mr. T. Harish Kumar, Adv.
Mr. V.G. Pragasam, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed
order.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4652 OF 2006

R. THALAIMALAI

.....APPELLANT

Versus

D.I.G. OF POLICE

.....RESPONDENT

O R D E R

The appellant was working as Circle Inspector of
Police in Thiru Vanmiyur Police Station between September,
1986 to July, 1988. On 11.7.1988, he was placed under
suspension pending proposed enquiry and a charge memo was

issued on 11.8.1989 containing charges on 16 counts inter alia alleging that he facilitated free movement of Auto Shankar, a criminal, by not taking action against him. An enquiry was held into the said charges. As per the Enquiry Report, charges 1 and 9 to 15 were held to be proved. As a consequence, after giving due opportunity to show cause, the penalty of compulsory retirement was imposed on the appellant. That was challenged by the appellant in O.A. No.6446/1999 on the file of the Tamil Nadu Administrative Tribunal. The Tribunal by order dated 8.11.2002, dismissed the application. The writ petition filed by the appellant challenging the order of Tribunal was dismissed by the Division Bench of the Madras High Court by the impugned order dated 13.8.2003.

2. The appellant has challenged the orders of the Tribunal and the High court on several grounds. He has alleged non-compliance with the principles of natural justice and also contended that the punishment imposed was disproportionate to the gravity of the charges.

3. The tribunal has examined this aspect in great detail and, having regard to the material placed, has found that there was no violation of principles of natural justice. It has also given clear and cogent reasons for holding that the punishment was not disproportionate to the charges. The High Court has affirmed the said finding and we find no reason to interfere with the decision.

4. Learned counsel for the appellant submitted that the Tribunal, while dismissing the application, has made the following observations which were wholly unwarranted: "Because of indulgence shown by the applicant, Shankar has been able to commit number of murders and seven or eight victims have fallen". He contended that the High Court did

not delete the said observation, while dismissing the writ

petition.

5. On considering the facts and circumstances and the decision of the Tribunal, we agree that the said observation was not warranted even though the same was made in the context of considering the arguments of the appellant that the penalty imposed was disproportionate. We therefore, expunge the said observation from the order of the Tribunal.

6. The appeal is dismissed subject to the above.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
February 25, 2010.

.....J.
(K.S. RADHAKRISHNAN)