

W.P.No.2627 of 2014

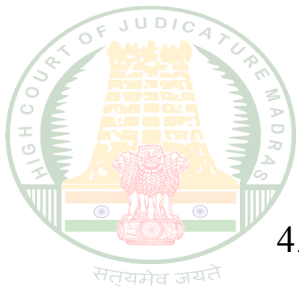
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**WEB C S.M.SUBRAMANIAM, J.**

The learned Additional Advocate General appearing on behalf of the State made a submission that actions are initiated in all respects. Action for penal rent on the writ petitioner is also initiated.

2. The learned Additional Advocate General further contended that the good conduct of the higher police officials is being enforced by the Government and in respect of the misconducts, serious view has been taken by the Government and various instructions and circulars are issued through Director General of Police.

3. For instance, the Circulars to remove black films in the official vehicles to recall the orderlies from the residence of the serving officials and retired officials and further actions are taken to utilize the forces judiciously for the benefits of the public at large. Reconstitution instructions are also issued to the higher officials through the Director General of Police and therefore, the Government has taken actions effectively to enforce good conduct amongst the higher officials and to prevent any sort of abuse of power.



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4. It is brought to the notice of this Court that the Government issued

WEB CG.O.Ms.No.2231, Home (Pol-VI) dated 05.09.1979, abolishing the orderly system in Police Department. The decision was taken by the State Government pursuant to the decision taken by the Government of India in the Hon'ble Chief Ministers' Conference and the said Government Order is in force for more than four decades. Despite the fact that the colonial orderly system was abolished in the year 1979, unfortunately, the system continues in the State of Tamil Nadu and it is brought to the notice of this Court that many States have abolished and such abolition was implemented. However, in our State, though it is abolished, it has not been implemented scrupulously. The practice continues and the Court has to draw an inference that such practice would develop a colonial mindset amongst the higher Police officials, which at no circumstances, be appreciated as the Constitution of our great Nation was resolved by 'We, the people of India'.

5. No fresh circulars or orders are required to be issued by the Government of Tamil Nadu since these orderly system in Police Department was abolished by the Government on 05.09.1979 and alternate arrangements have provided to utilize the services of Office Assistants / Residential Assistants for the benefit of the higher officials and various allowances are

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being paid for their benefit as part of Service Conditions.



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**WEB COPY**6. All India Service Conduct Rules, 1968 unambiguously stipulates

that the misuse of official position is a misconduct and it states that “*Refrain from doing anything, which is or may be contrary to any law, rules, regulations and established practices*”. Therefore, if the higher officials utilized the services of the uniformed personnels as orderlies in their residences, it is a clear misconduct and in violation of the Government order issued in G.O.Ms.No.2231, Home (Pol-VI) Department dated 05.09.1979. Thus, the Principal Secretary to Government, Home Department, is mandated to institute appropriate disciplinary proceedings in the event of any violation of the Government orders or commission of misconduct under the All India Services Conduct Rules, 1968. The Government Orders issued in the year 1979 cannot be allowed to remain in paper. It must be implemented in its letter and spirit in order to uphold the constitutional principles. One of the conduct contemplated under the All India Services Conduct Rules is that “*commit himself to and uphold the supremacy of the Constitution and democratic values*”. Thus, utilizing the services of the uniformed personnel as orderlies are to be dispensed with forthwith in practice and strict and stringent actions are necessary and imminent against the higher police officials, who have involved in such misconducts or assisting any other



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7. The learned Additional Advocate General fairly made a submission that all actions are initiated and in progress and they require some more time as the Principal Secretary, Home Department, has recently taken charge. It is just an enforcement of the Government policy, which was introduced in the year 1979, which may not require much time and require determination and will.

8. That apart, the efforts taken during the interregnum period is also commendable as various instructions were swiftly issued by the Government in order to control the ill menace. However, the instructions are to be enforced fully to ensure that the police forces function under the absolute control of the State Government.

9. The higher police officials are expected to maintain not only good conduct, but their actions must be always in consonance with the constitutional principles. Thus, they are expected to surrender all such orderlies voluntarily, which will show their real courage in terms of accepting the good conduct in accordance with the All India Services



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Police Department are at liberty to send a complaint or provide information to the Government regarding any such misuse or abuse of power by the higher officials or usage of orderlies in their residences and in the event of receiving any such complaint or information, the Principal Secretary to Government, Home Department, shall initiate immediate action under the Conduct Rules.

10. The learned Additional Advocate General seeks further time for implementation of their own instructions, circulars and the Government orders issued.

11. For Reporting further developments, Registry is directed to list the matter for further hearing on 12.08.2022.

**25.07.2022**

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