

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 29981 of 2024

AND

WMP NO. 32681 OF 2024

Saravanakumar

..Petitioner(s)

Vs

1. The Director General Of Police /
Director General Of Prisons And
Correctional Serices, Whannels Road,
Egmore-chennai-8.
2. The Deputy Inspector General Of Prisons,
Coimbatore Range, Coimbatore-18.
3. The Superintendent Of Prisons,
Central Prison, Salem-7

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records to the proceedings No.PO1/ 5590/ 2014 dated 10.09.2015 issued by the 3rd respondent removing the petitioner from service and consequential orders issued in Proceedings No.4191/ Mu Vu/ 2015 dated 17.05.2018 by the 2nd respondent modifying the punishment into that of Postponement of increment for a period of three years with cumulative effect and the same will affect petitioner pension and proceedings No.36340/EW1/2018 dated



27.3.2019 issued by the 1st respondent dismissing the petitioner's Revision Application and quash the same.

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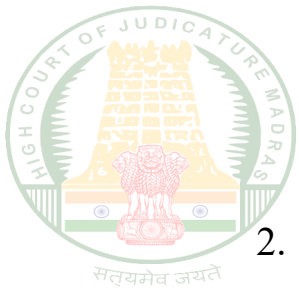
For Petitioner(s): Mr. R.Thomas

For Respondent(s): Mr.V.Sivalingam
Government Advocate

Order

This writ petition has been filed for the following relief:

“To issue a Writ of Certiorari calling for the records to the proceedings No.PO1/ 5590/ 2014 dated 10.09.2015 issued by the 3rd respondent removing the petitioner from service and consequential orders issued in Proceedings No.4191/ Mu Vu/ 2015 dated 17.05.2018 by the 2nd respondent modifying the punishment into that of Postponement of increment for a period of three years with cumulative effect and the same will affect petitioner pension and proceedings No.36340/EW1/2018 dated 27.3.2019 issued by the 1st respondent dismissing his Revision Application and quash the same.”



2. The petitioner was appointed as Grade-II Warder in the Prison Department on 21.02.2011 and was subsequently promoted as Grade-I Warder and now serving at Central Prison, Coimbatore. A criminal case in Crime No.141 of 2014 was registered against him in connection with an incident which took place in a temple festival. Thereafter, he was placed under suspension and departmental proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were initiated . On conclusion of the enquiry, the third respondent imposed the punishment of removal from service by proceedings dated 10.09.2015. The petitioner was subsequently acquitted by the learned Principal Sessions Judge, Namakkal, in S.C.No.3 of 2017, by judgment dated 03.03.2018. Thereafter, the appellate authority modified the punishment of removal from service into postponement of increment for a period of three years with cumulative effect by proceedings dated 17.05.2018. The revision petition preferred by the petitioner was also rejected by proceedings dated 27.03.2019. According to the petitioner, the criminal case was not connected with his official duties and he was acquitted in the criminal case. Hence, the petitioner has filed the present writ petition challenging the impugned proceedings.



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3. Heard the learned counsel for the petitioner and the the learned Government Advocate appearing for respondents.

4. The petitioner has challenged the punishment imposed by the 3rd respondent. The 3rd respondent had dismissed the petitioner from service on 10.09.2015 and on appeal, the 2nd respondent by order dated 17.05.2018 had modified the punishment from removal of service to postponement of increment for a period of three years with cumulative effect. The revision before the 1st respondent had also been rejected. The basis on which the departmental proceedings had been initiated against the petitioner was on account of a criminal case that had been registered against him in Crime No.141 of 2014 by the Mohanur Police Station in connection with a crime that had taken place during a temple festival. The said allegation against the petitioner was that he had damaged a bike belonging to one Mohan and caused simple injuries to him. By reason of this complaint, the petitioner was arrested and remanded to the Sub Jail, Namakkal on 16.04.2014 and he had been enlarged on bail on 02.05.2014. This led to his initial suspension and the initiation of disciplinary proceedings against him. The witness that had been examined on the side of the department had merely

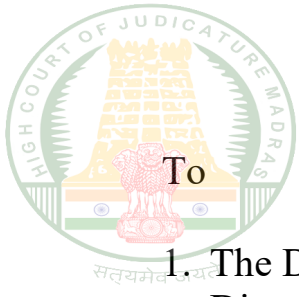


adduced evidence on the factum of the petitioner being remanded to the Sub Jail, Namakkal and there is no evidence to show the petitioner's involvement in the incident alleged in the complaint. The Principal Sessions Judge, Namakkal had acquitted the petitioner in S.C.No.3 of 2017, by order dated 03.08.2018. The Court below has, on perusing the evidence, come to the conclusion that the complaint, based upon which the prosecution had been initiated, is a fabricated one and that the prosecution had failed to establish the petitioner's involvement therein. Once the basis on which the departmental enquiry has been initiated is found to be a false one, the respondents cannot impose punishment upon the petitioner. The genesis for the domestic enquiry / disciplinary proceedings is the complaint. Once the complaint is found to be a false one, all proceedings thereafter initiated has to necessarily fail.

5. Accordingly, the impugned orders proceedings are set aside and the writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

09-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRN



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P.T.ASHA J.

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