



W.A.(MD)No.337 of 2013

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 02.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A.(MD)No.337 of 2013**  
**and M.P.(MD)No.1 of 2013**

1.The Secretary to Government,  
Home Department,  
Chennai.

2.The Director General of Police,  
Tamil Nadu,  
Chennai.

3.The Additional Director General of Police,  
Law & Order,  
Chennai.

4.The Deputy Inspector – General of Police,  
Madurai Range,  
Madurai.

... Appellants / Respondents

**Vs.**

R.Muthuraja,  
Inspector of Police,  
Commercial Crime Investigation Wing CID,  
Ramanathapuram.

... Respondent/Petitioner



W.A.(MD)No.337 of 2013

**PRAYER:** Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 30.06.2011 made in W.P.(MD)No.670 of 2008 on the file of this Court.

For Appellant : Mr.A.K.Manikkam  
Special Government Pleader

For Respondent : Mr.M.Saravanan

### **JUDGMENT**

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This Writ Appeal has been directed against the order passed by the learned Judge in W.P.(MD)No.670 of 2008, dated 30.06.2011.

2. Against the respondent, who was the writ petitioner before the Writ Court, there was a punishment of Censure awarded as the charge No.4 alone has been established and proved. Challenging the said punishment, the said Writ Petition has been filed.

3. Considering the case of the parties before the Writ Court, a learned Judge had come to a conclusion that the fourth charge was not an independent charge and it is a charge made only in respect of the



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involvement in a crime by the employee, that is why, the involvement in the crime since has been there, such a punishment of Censure ultimately has been imposed. However, at the time of considering the case, it was brought to the notice of the Writ Court that the very criminal case, which was filed against the employee / writ petitioner, was ended in acquittal, therefore, the entire criminal case itself go.

4. This has been taken note of by the learned Judge and he has passed the following order in the Writ Petition:-

“10. In my view, the submission made by the learned counsel for the petitioner is well founded, I am in entire agreement with the submission made by the learned counsel for the petitioner. It is also stated that the criminal case ended in acquittal. Charge No.4 extracted above makes it clear that the allegation was that he was made as an accused in the criminal case. That could not warrant the Department to proceed Departmentally and to impose a penalty.

11. Accordingly, the punishment imposing censure is quashed.”

Challenging the same, the present Writ Appeal has been filed.



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5. The learned Special Government Pleader appearing for the appellant would submit that anyhow there has been an involvement in the crime by the employee / writ petitioner, therefore, when the disciplinary proceedings was initiated the said charge i.e., charge in No.4 i.e., involvement in a crime since has been available, the Enquiry Officer has stated that, it was proved for which no further evidence is required, based on which initially a larger punishment was given, subsequently, it was modified into a Censure, therefore, it is a very least punishment awarded against the employee, therefore, that ought not to have been interfered by the learned Judge, hence, the learned Special Government Pleader seeks the indulgence of this Court.

6. However, Mr.M.Saravanan, learned counsel appearing for the respondent would submit that, when the very involvement of the Crime as stated by the prosecution has been defeated because of the acquittal registered in the very criminal case itself, the very fourth charge itself go, therefore, based on which no punishment can be imposed which has been taken into account, of course, in a right direction by the learned Judge and accordingly, he was pleased to set aside the punishment imposed which was



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impugned before the Writ Court, hence, he wants to sustain the order passed by the Writ Court.

7. We have considered the rival submissions made by the learned counsel for the parties and have perused the materials placed before this Court.

8. As has been rightly pointed out by the learned counsel appearing for the respondent / writ petitioner, the only charge was the fourth charge, which according to the Enquiry Officer has been proved. The fourth charge was nothing but involvement in crime by the employee and the very involvement of crime itself cannot constitute a charge unless and until the involvement is proved in a Court of Law in the criminal jurisdiction. However, in this case, the Criminal Court has registered an acquittal against the employee, who was the accused in the case concerned and that has also been brought to the notice of the learned Judge, who taken note of the same, has come to a conclusion that the fourth charge itself cannot be said to be proved because he was acquitted in the criminal case and hence, the consequential punishment of even the Censure ought not to have been



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inflicted against the employee / writ petitioner.

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9. The said conclusion arrived at by the learned Judge of the Writ Court in the order impugned, in the considered opinion of this Court, is justifiable, therefore, we feel that the order impugned does not warrant any interference.

10. Accordingly, this Writ Appeal is dismissed. However, there shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

**(R.S.K., J.) & (K.K.R.K, J.)**

**02.06.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
SJ

To

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Chennai.



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**R.SURESH KUMAR, J.**

**AND**

**K.K.RAMAKRISHNAN, J.**

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