



WP(MD)No.8853 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.8853 of 2019**  
**and**  
**WMP(MD)Nos.6878, 6879 of 2019**

K.Virumandi

.. Petitioner

v.

1.The Director General of Police,  
Law & Order,  
Kamarajar Salai,  
Mylapore,  
Chennai – 600 004.

2.The Additional Director General of Police,  
Law & Order,  
Kamarajar Salai,  
Mylapore,  
Chennai – 600 004.

3.The Deputy Inspector General of Police,  
Madurai Range,  
Madurai.

4.The Superintendent of Police,  
Madurai District,  
Madurai.

.. Respondents



WP(MD)No.8853 of 2019

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in C.No.102156/AP. 2(3)/2010 dated 20.01.2011 confirming the order of the third respondent in No.A2/6953/03 PR 313/03 F dated 11.01.2005 and quash the same.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.G.V.Vairam Santhosh,  
Additional Government Pleader  
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### ORDER

The petitioner is working as a Special Sub-Inspector of Police. While he was working as a Constable, in the year 2005, he was dealt with a charge under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, that on 15.09.2003, this petitioner along with one Sakthivel, Sub-Inspector of Police and One Murugan, Police Constable, intercepted an Auto Driver, by name, Rajapandi, asked for the original documents of the Auto bearing Reg.No.TN-58-B-3686 and also demanded a sum of Rs.2500/- from the said Rajapandi for not taking action as against him.



WP(MD)No.8853 of 2019

WEB COPY

2.The petitioner along with the said Sakthivel and Murugan were dealt with in separate PRs and they have been imposed with a punishment of postponement of increment for three years, which shall operate to postpone the future increments. The petitioner and the other co-delinquents have filed appeals and the same were rejected by the appellate authority. As against the order of punishment imposed by the disciplinary authority and the order passed by the appellate authority, the petitioner has filed this writ petition.

3.One of the co-delinquents, Sakthivel, then Sub-Inspector of Police, has also filed a writ petition before this Court in WP(MD)No.10727 of 2006. The said writ petition was allowed by this Court by order dated 13.08.2010 and the order of punishment passed by the disciplinary and appellate authority was set aside as against the said Sakthivel.

4.Pursuant to the order passed in WP(MD)No.10727 of 2006, another co-delinquent, Murugan, has filed WP(MD)No.8459 of 2012. That writ



WP(MD)No.8853 of 2019

petition was allowed by this Court on 18.02.2014, considering the fact that the co-delinquent Sakthivel has already been exonerated in WP(MD)No. 10727 of 2006.

5.Now, after the orders passed in WP(MD)No.8459 of 2012, the petitioner has filed the present writ petition in the year 2019.

6.Learned Counsel for the petitioner sought orders on parity that the co-delinquents have already been exonerated from the charges. However, this Court is not inclined to accept the same, on the ground of laches. The order of punishment passed in the year 2005 and confirmed by the appellate authority in the year 2011 is challenged in this writ petition in the year 2019. Whereas, the other co-delinquents have filed the writ petitions in the year 2006 & 2012, respectively.

7.At this juncture, the learned Counsel for the petitioner, on instructions, submitted that the petitioner will not insist for any other benefits, retrospectively and prayed for appropriate orders.



WP(MD)No.8853 of 2019

WEB COPY

8. In view of the above submission made by the petitioner's Counsel and following the order passed in WP(MD)No.10727 of 2006, dated 13.08.2010 and WP(MD)No.8459 of 2012, dated 18.02.2014, this writ petition is allowed. The order passed by the first respondent dated 20.01.2011 confirming the order of the third respondent dated 11.01.2005 is hereby set aside.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No  
NCC : Yes / No  
gk

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WP(MD)No.8853 of 2019

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WP(MD)No.8853 of 2019

**B.PUGALENDHI, J.**

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**WP(MD)No.8853 of 2019**

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