



W.P.(MD)No.26823 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26823 of 2023

S.Dakshina Moorthi

... Petitioner

VS

- 1.The State of Tamil Nadu,
Represented by its Chief Secretary to Government,
Secretariat, Chennai – 9.
- 2.The State of Tamil Nadu,
Represented by its Principal Secretary,
Home Department (Police),
Secretariat, Chennai – 9.
- 3.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 4.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.
- 5.The Superintendent of Police,
Tirunelveli District.
- 6.The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Tirunelveli District.



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7.The Deputy Superintendent of Police,
Ambasamudram Sub Division,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondents proceedings in RC.No. 4690692/AP II (1) 2023 dated 07.06.2023 and to quash the same and further directing the respondents to reinstate the petitioner in to service with all promotional and monetary benefits.

For Petitioner : Mr.P.P.Alwin Balan

For Respondents : Mr.S.S.Madhavan
Government Advocate

* * * * *

ORDER

The instant writ petition has been filed seeking to quash the order passed by the third respondent dated 07.06.2023, wherein he had rejected the request of the writ petitioner seeking reinstatement in the service.

2.The petitioner herein was issued with a charge memo in P.R.No.17 of 2020 and after enquiry, the disciplinary authority has imposed the punishment of removal from service w.e.f.07.01.2021. The appellate



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authority namely the Deputy Inspector General of Police, Tirunelveli has rejected his appeal by an order dated 15.03.2021. In the mean time, the petitioner was acquitted from the Criminal Case in S.C.No.125 of 2021 by the Mahila Court, Tirunelveli, by an order dated 13.05.2022. Referring to the said acquittal order, the petitioner has filed a revision before the third respondent herein seeking to reinstate him. The third respondent herein by an impugned order dated 07.06.2023 has rejected the said request, without even referring to the acquittal order passed by the Criminal Court. Hence the present writ petition has been filed.

3.A perusal of the grounds of revision filed before the third respondent clearly indicates that, in ground No.13, the petitioner has specifically pointed out that he has been acquitted by the Criminal Court and it is a Hon'ble acquittal.

4.It could be seen as per the Police Standing Order 67, when the Police Officer is acquitted by the Criminal Court, the authorities has to reconsider the orders passed already. However a perusal of the impugned order does not indicate that the third respondent has considered the said



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issue of acquittal and he has proceeded to confirm the order passed by the disciplinary authority and the appellate authority.

5.In view of the above said facts, the impugned order in the writ petition is hereby set aside and the matter is remitted back to the third respondent herein to consider whether the petitioner is eligible to be reinstated or not in the light of acquittal in the Criminal Case.

6.With the above said observations, this writ petition is allowed to the extend as stated above.

07.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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R.VIJAYAKUMAR, J.

RJR

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