



WEB COPY



W.P.No.1122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

CORAM
THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.1122 of 2024

K.C.Muthusamy

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home (Police VI) Department,
Secretariat,
Chennai.

2.The Director General of Police,
Chennai.

3.Deputy Inspector General of Police,
Salem Range,
Salem.

4.The Superintendent of Police,
Dharmapuri District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the fourth respondent in his proceedings in Na.Ka.No.H.1/Tha.Pa.62/2013 dated 12.10.2013 and confirmed by the third respondent in his proceedings in

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Rc.No.B2/49/368/2014 dated 07.02.2014 and modified by the second respondent in his proceedings in Rc.No.99758/AP.2(2)/2014 dated 18.11.2016 and confirmed by the first respondent in his proceedings in G.O.(D).No.344 Home (Police VI) Department dated 19.02.2020 and quash the same and direct the respondents to pay the yearly increment with all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents 1 to 4 : Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader

ORDER

The relief sought in this writ petition is to call for the records relating to the order passed by the fourth respondent in his proceedings in Na.Ka.No.H.1/Tha.Pa.62/2013 dated 12.10.2013 and confirmed by the third respondent in his proceedings in Rc.No.B2/49/368/2014 dated 07.02.2014 and modified by the second respondent in his proceedings in Rc.No.99758/AP.2(2)/2014 dated 18.11.2016 and confirmed by the first respondent in his proceedings in G.O.(D).No.344 Home (Police VI) Department dated 19.02.2020 and quash the same and direct the respondents to pay the yearly increment with all consequential benefits.



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2. The case of the petitioner is that the petitioner was appointed as Grade-II Police Constable on 15.04.1997 and posted at Tamil Nadu Special Police 4th Battalion in Kovaipudur. Thereafter, the petitioner was posted in the Special Task Force, formed for the arrest of Veerapan and Imamali. Since both the operations were succeeded, the petitioner was awarded with Chief Minister Gallantry Medal and cash award. Subsequently, the petitioner was promoted as Grade-I Police Constable and posted at Armed Reserve Force, Dharmapuri. In the year 2013, the petitioner was allotted colony picketing duty at Kondampatti along with other SSIs viz., Mathialagan and Goindasamy. While they were on duty, there was a crowd in the road and they came to know that due to family dispute between husband and wife, the husband consumed poison. On seeing the incident, the said Mathialagan rescued the person and sent him to Dharmapuri Government Hospital through Tata Ace Vehicle. While dispersing the crowd, there was wordy quarrel between Mathialagan and general public and in this regard, a complaint was filed against Mathialagan before the Superintendent of Police that Mathialagan was involved in wordy quarrel in an inebriated state. Because of the said



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complaint, the petitioner and the Mathialagan were sent to medical check up for drunkenness certification. In respect of petitioner, the report revealed that he did not consume liquor, but as far as Mathialagan is concerned, the report revealed that he consumed liquor but was not under its influence.

2.1. Even though the medical report negated in respect of petitioner, the original authority i.e., the fourth respondent imposed a punishment of three years' increment cut with cumulative effect. Challenging the said punishment, the petitioner preferred an appeal before the appellate authority viz., third respondent, who confirmed the order of the original authority on 07.02.2014 against which an appeal was preferred before the second respondent, who in turn modified the punishment from three years to one year increment cut vide order dated 18.11.2016. Against the said order, the petitioner filed a mercy petition before the first respondent, but the same was also rejected on 19.02.2020 by confirming the punishment imposed by the third respondent. Challenging the said orders passed by the respondents, the petitioner has come forward with the present writ petition.



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3. Learned counsel for the petitioner would submit that the punishment can be imposed by the competent authority only on the basis of evidence adduced before them. In the present case, in order to prove the case against the petitioner, five prosecution witnesses were examined, but, none of the prosecution witnesses deposed against the petitioner and they simply averred in the statement that there was a crowd at a relevant point of time. Further, the enquiry officer claimed that the petitioner has accepted the guilt before him. However, to substantiate the said claim, no records were produced before this Court. In fact, the petitioner agitated the issue and testified that he did not consume alcohol at a relevant point of time. Even the medical report has also proved the same. However, without considering the same, the competent authority arrived a conclusion that the petitioner has accepted his guilty. For accepting the guilt, no proof was available before the enquiry officer or competent authority. In the absence of proof with regard to the acceptance of guilt, the punishment imposed on the petitioner is not sustainable. Accordingly, he prays this Court to allow this writ petition.



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4. Learned Special Government Pleader appearing for the respondents would submit that the petitioner himself had admitted his guilt of consuming liquor, before the enquiry officer. Moreover, the petitioner has not submitted any relevant records to disprove the allegation levelled against him. Accordingly, the petitioner was proved guilty and was imposed with the punishment of increment cut for three years with cumulative effect. Hence, he prayed for dismissal of this writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, a charge memo was issued to the petitioner alleging that the petitioner and one Mathialagan, SSI had consumed alcohol and picked up a quarrel in inebriated condition with the general public, while attending colony picketing at Kondampatti on 30.03.2013. Immediately thereafter, the petitioner as well as Mathialagan were produced before the Medical Officer at about 2.45 p.m., on 31.03.2013. As per the medical report, the



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said Mathialagan has consumed liquor but he was not under its influence.

However, in respect of the petitioner, the report reveals that he did not consume the liquor. However, the petitioner was imposed with a punishment on the basis of oral submission made by the enquiry officer, on the basis that the petitioner accepted the guilt himself, for which, no proof was filed before this Court. In the absence of proof, imposing punishment against the petitioner is non-est in the eyes of law.

7. In view of the above factual matrix of the case, the order passed by the fourth respondent in his proceedings in Na.Ka.No.H.1/Tha.Pa.62/2013 dated 12.10.2013 and confirmed by the third respondent in his proceedings in Rc.No.B2/49/368/2014 dated 07.02.2014 and modified by the second respondent in his proceedings in Rc.No.99758/AP.2(2)/2014 dated 18.11.2016 and confirmed by the first respondent in his proceedings in G.O.(D).No.344 Home (Police VI) Department dated 19.02.2020 are liable to be set aside and the said orders are hereby set aside. Consequently, this Court directs the respondents to pay the yearly increment with all consequential benefits to the petitioner as expeditiously as possible.



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With the aforesaid observation and direction, this writ petition stands allowed. No costs.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

To

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M.DHANDAPANI.J,

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