



W.A.No.1091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.No.1091 of 2023
and
C.M.P.No.11091 of 2023**

The Superintendent of Police,
Tiruppur District,
Tiruppur.

... Appellant

-Vs-

P.Ramamurthy

... Respondent

PRAYER : Appeal under Clause XV of Letters Patent, against the order dated 28.07.2022 made in W.P.No.16998 of 2013.

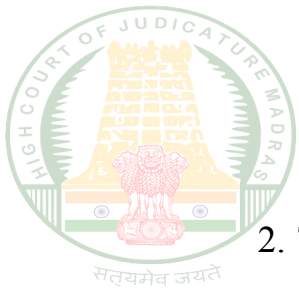
For Appellant : Mr.M.Alagu Gowtham
Government Advocate

For Respondent : Mr.S.Sathiachandran

J U D G M E N T

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

This intra Court appeal has been directed against the order dated 28.07.2022 made in W.P.No.16998 of 2013.



2. The respondent Ramamoorthy was working in Police force. While so, there has been a disciplinary proceedings against him which ended in a punishment of compulsory retirement by order dated 10.04.2013.

3. Challenging the said punishment order, he had filed the said writ petition which was allowed by the writ Court through the impugned order with the following effect:

"14. In the result, the impugned order, dated 10.04.2013, insofar as it imposes the punishment of compulsory retirement is concerned, is set aside. Consequentially, there shall be a direction to the respondent herein to pass orders, modifying the punishment imposed on the petitioner into one, withholding the arrears of salary for the period of the petitioner's absence in connection with the delinquency under the charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 in PR No.70/2005 of Coimbatore District (now PR No.25/2012 of Tiruppur District), within a period of four (4) weeks from the date of receipt of a copy of this order. The respondent herein shall pass such orders together with orders for reinstatement, together with continuity of service and other service benefits.



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15. The Writ Petition stands thus allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

4. Aggrieved over the said order, the present writ appeal has been directed at the instance of the Superintendent of Police, Tiruppur District, who is the appellant herein.

5. When this writ appeal is taken up for final hearing, it is brought to our notice by the learned counsel appearing for the respondent / writ petitioner that, the order of the writ Court which is impugned herein having been accepted was complied with by passing an order on 12.11.2022 by the appellant, i.e., Superintendent of Police, Tiruppur District, where the following modified punishment has been awarded:

"11. Hence, after perusing the Court Order passed by the Hon'ble High Court of Madras and also perusing the DGP office circular dated 06.12.2007, as mentioned in the paragraph 14 of the High Court order, "the impugned order dated 10.04.2013, insofar as it imposes the punishment of compulsory retirement is concerned, is set aside. Consequentially, there shall be a direction to the respondent (in this case the Superintendent of Police) herein to pass orders, modifying the punishment imposed on the petitioner



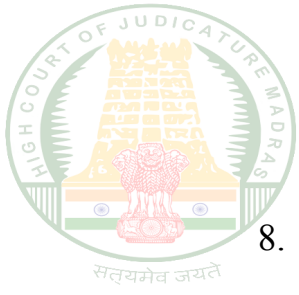
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*into one, withholding the arrear of salary for the period of the petitioner's absence in connection with the delinquency under charge memo under rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 in PR.No.25/2012 of Tiruppur District" and after obtaining the opinion from the Government pleader, I am of the opinion the cause for appeal with only delay the inevitable, as a result of which, I as the appointing authority modify the punishment from the earlier punishment of compulsory retirement into that of **"Rank reduction by one stage for three years to be spent on duty and he is reinstated into service from compulsory retirement"**. I award this punishment without any bias against him."*

6. This position is not controverted by the learned Government Advocate appearing for the appellant.

7. Since the order of the learned Judge in fact has been accepted and complied with, where additionally a reduced punishment also has been given by reducing the rank by one stage for three years to be spent on duty, absolutely there could be no issues pending before this Court in the present appeal for adjudication.



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8. Recording the aforesaid development, this Writ Appeal is dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (A.D.M.C., J.)
19.03.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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