



W.A.No.1366 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.03.2025

CORAM:

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

W.A.No.1366 of 2023

V.Vijayandran

... Appellant

Vs.

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.

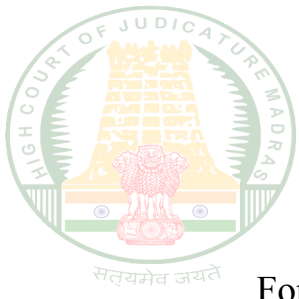
3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the
order passed in W.P. No.12825 of 2012 dated 04.07.2018.

For

Appellant : Mr. K. Venkataramani, Senior Counsel.



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For Respondents : Mr. R. Kumaravel,
Additional Government Pleader

J U D G M E N T

(Delivered by Dr. A.D. Maria Cleto, J)

This Writ Appeal is directed against the order dated 04.07.2018 passed by the learned Single Judge in W.P. No. 12825 of 2012, whereby the challenge to the order of removal from service passed against the appellant was dismissed.

2. Brief Facts: The appellant was initially appointed as a Grade-II Police Constable in the Tamil Nadu Special Police Battalion on 02.04.1981 and, through promotions, rose to the post of Head Constable. While serving in that capacity, the appellant faced disciplinary proceedings for unauthorized absence from duty. After due inquiry, the charge was found to be proved, and the disciplinary authority passed an order of removal from service dated 28.11.2011. The appeal preferred before the second respondent was also rejected on 14.02.2012. The appellant then filed W.P. No. 12825 of 2012, challenging the proportionality of the punishment. The writ petition was dismissed by the learned Single Judge, giving rise to the present appeal.



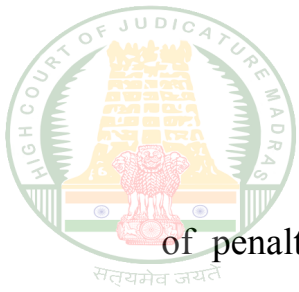
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3. The primary contention raised by the appellant is that the punishment of removal from service is disproportionate to the charge of unauthorized absence. From the impugned order it reveals that the appellant questioned only the severity of the penalty imposed. The appellant relied upon the decision of a Division Bench of this Court in **Ramesh v. Deputy Inspector General of Police, Kancheepuram Range and another** in W.A. No. 58 of 2011 dated 27.01.2011.

4. On a perusal of the records and the impugned order, it is evident that the appellant had a long history of disciplinary infractions. He was subjected to 18 instances of disciplinary action, of which 9 were for desertion or absence without proper intimation. The learned Single Judge rightly distinguished the case relied upon by the appellant, noting that in **Ramesh case (supra)**, the delinquent had lesser infractions compared to the present appellant, who has an alarming pattern of misconduct.

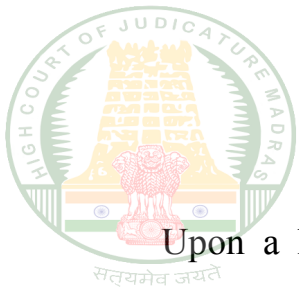
5. In **B.C. Chaturvedi v. Union of India, AIR 1996 SC 484 : (1995) 6 SCC 634**, the Hon'ble Supreme Court has authoritatively laid down that the imposition



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of penalty falls squarely within the domain of the disciplinary authority, and ordinarily, neither the Tribunal nor the High Court should interfere with the quantum of punishment. However, in rare and exceptional cases, where the punishment is so disproportionate to the misconduct as to shock the conscience of the court, interference may be warranted either by directing the disciplinary authority to reconsider the penalty or, in order to avoid prolonged litigation, by imposing an appropriate punishment.

6. In the present case, the appellant has been punished on 18 occasions, of which 9 instances pertain to unauthorized absence and desertion of duty. Such repeated misconduct reflects a consistent pattern of indiscipline. In light of these antecedents, the punishment of removal from service cannot be said to be disproportionate or to shock the conscience of the court. On the contrary, showing any misplaced sympathy or leniency towards a habitual defaulter in a disciplined, uniformed service would not only undermine the sanctity of discipline but also set a wrong precedent, thereby encouraging indiscipline. As rightly observed by the learned Single Judge in the impugned order, this is not a fit case for interference.



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Upon a holistic consideration of the facts, no ground is made out to warrant judicial intervention.

7. A feeble attempt was made by the learned counsel for the appellant to persuade this Court that the present case involves merely a case of desertion and that desertion, by itself, has no bearing on integrity. It was further contended that the appellant was not charged with any specific act of misconduct. This line of argument is fundamentally misconceived. Desertion is not a mere procedural lapse; it is a fundamental breach of duty in a disciplined force. The willful abandonment of post, particularly in uniformed service, directly strikes at the root of institutional integrity and reliability. To suggest that desertion has no bearing on integrity is to ignore the very ethos of public service. Integrity is not confined to acts of corruption—it encompasses commitment, reliability, and the willingness to uphold one's duties. Repeated desertion, therefore, is not only misconduct—it is a repudiation of the very trust reposed in a public servant. The learned Single Judge, taking note of the nature of the service and the prolonged absence, rightly observed that in a uniformed force, discipline and integrity are foundational



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values, and unauthorised absence cannot be viewed lightly. Finding no grounds to

interfere, the learned Judge sustained the punishment imposed.

8. We find no illegality or perversity in the order passed by the disciplinary authority, as confirmed by the appellate authority and upheld by the learned Single Judge. The appellant's repeated acts of indiscipline render him unfit for continuation in service. Accordingly, the writ appeal is devoid of merit and is dismissed. No costs.

(R.S.K., J) (A.D.M.C., J)
26.03.2025

ay

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

To

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Deputy Inspector General of Police,
Thanjavur Range,

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3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4.

4.The Section Officer,
VR Section,
High Court of Madras,
Chennai.



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**R.SURESH KUMAR, J
and
DR. A.D. MARIA CLETE, J**

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