



WEB COPY

W.A.Nos.915 & 1388 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MRS.JUSTICE **K. GOVINDARAJAN THILAKAVADI**

W.A.Nos. 915 and 1388 of 2025
and CMP Nos.7762 and 10684 of 2025

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Home (Police XVII) Department,
Secretariat, Fort St. George,
Chennai 600 009.
 2. The Director General of Police/Director,
Fire and Rescue Services,
Egmore, Chennai 600 008. ...Appellants in both the Appeals
- Vs.
- S. Vijayasekar ...Respondent in both the Appeals

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the common order passed in WP Nos.24167 of 2024 and 24170 of 2024 respectively dated 24.09.2024.



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For Appellants : Mr.S. Yashwant
(in both the Appeals) Additional Government Pleader

For Respondent : Mr. S.Nedhunchezhiyan
(in both the Appeals)

COMMON JUDGMENT

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

Challenge is to the order of the Writ Court dated 24.09.2024 made in two Writ Petitions viz. WP Nos.24167 & 24170 of 2024.

2. The respondent had challenged the charge memo and the order not allowing him to retire on attaining superannuation. The sole ground on which the Writ Court had set aside the charge memo and the order disallowing retirement is that the respondent was discharged from the criminal case. It is not in dispute that the charges in both the criminal case as well as the disciplinary proceedings, sought to be initiated, are one and the same. No doubt, the departmental proceedings can be preceded independent of the criminal case in certain circumstances.



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3. We do not find any such exceptional circumstance existing in the case on hand, inasmuch as the charges are one and the same and the respondent has been discharged from the Criminal case. The effect of an order of discharge is that the respondent was never involved in a criminal case. The situation may be different, if a trial had taken place and there is an order of acquittal on a technical ground or on benefit of doubt.

4. Once there is an order of discharge relieving the respondent from the criminal case itself, a departmental enquiry based on the same set of charges would definitely amount to an unnecessary harassment for the employee, who is already attained the age of superannuation. The Writ Court had rightly held that when the Criminal Court has found that there is no material even to frame charges against the respondent in the criminal case, the employer cannot be allowed to continue with the departmental enquiry.



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5. We see no scope of interference in the circumstances, the Writ Appeals fail and they are accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K. GOVINDARAJAN THILAKAVADI, J.)
12.06.2025

jv

Index : No
Neutral Citation : Yes
Speaking order

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
Home (Police XVII) Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director General of Police/Director,
Fire and Rescue Services,
Egmore, Chennai 600 008.



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R.SUBRAMANIAN, J.
and
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