



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.6672 & 6673 of 2012

S.Saravanan

... Petitioner in both W.Ps

Vs.

1.Additional Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Moore Market Complex,
Park Town, Chennai – 600 003.

2.Deputy Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Moore Market Complex,
Park Town, Chennai – 600 003.

3.The Divisional Security Commissioner,
Railway Protection Force,
Trichy Division,
Trichy – 620 001.

.... Respondents in both W.Ps

Prayer on W.P.No.6672 of 2012: Writ Petition is filed under Article 226 of the Constitution of India, to call for the records relating to Order dated 17.03.2011 of the first respondent duly communicated by the third respondent under his Communication No.SXT/P.227/1(Revision Petition / 11 dated 22.03.2011) and issue a writ in the nature of certiorarified mandamus, quashing the said impugned order dated 17.03.2011 of the first respondent



and directing the respondents to reinstate the petitioner with full back wages, continuity of service and other attendant benefits with costs.

Prayer on W.P.No.6673 of 2012: Writ Petition is filed under Article 226 of the Constitution of India, to call for the records relating to Order relating to Memorandum No.SXT/P-227/R-153/SS/06/09 dated 22.01.2010 of the third respondent herein and issue a writ in the nature of certiorarified mandamus quashing the said impugned Memo dated 22.01.2010 and forbearing the third respondent from proceeding further in respect of the Second Charge Sheet No.SXT/P-227/R-153/SS/11/09 dated 25.08.2009 against the petitioner herein with costs.

In both W.Ps

For Petitioner : Mr.Balan Haridas
for Mr.S.Surendar

For Respondents : Mr.M.Karthikeyan

COMMON ORDER

Heard Mr.Balan Haridas, learned counsel for the petitioner,
Mr.M.Karthikeyan, learned counsel for the respondents.

2. The brief facts that are relevant for disposal of these writ petitions are as under:

2.1. The petitioner herein, who served as Naik Subedar in the Army from the year 1986 to 2003, was appointed as Constable in Railway Protection Force in Ex-serviceman quota at Tiruchirappally Goods Yard in



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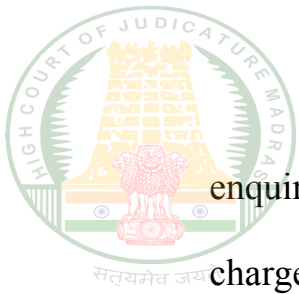
the year 2005. While he was working as such, a crime was registered against the petitioner vide Crime No.585 of 2008 under Sections 419, 366, 354, 376 r/w Section 511 of IPC. In connection with the said crime, the petitioner was arrested on 11.09.2008 and was remanded to judicial custody. It was thereafter, the petitioner was released on bail on 17.12.2008. In view of the involvement of the petitioner in the above referred crime, the Assistant Security Commissioner, R.P.F./Trichy initiated disciplinary proceedings against the petitioner by issuing a Charge Sheet No.SXT/P.227/R.153/SS/6/2009 dated 08.05.2009 containing two charges alleging misconduct on the part of the petitioner under Rules 146(i), 146.4 & 146.7(iii) of the RPF Rules, 1987 and Para 3.1(i),(ii) & (iii) of the Railway Services (Conduct) Rules, 1966. The said charges reads as under:

“(i) You were arrested by the local Police Contonment Trichy on 14.08.2009 and a case had been registered against you vide Contonment Police Station Crime No.1165/2009 under Section 380 I.P.C, and you were sent to Judicial Custody on 15.08.2009.

(ii) Further, you were remanded to Judicial Custody from 15.08.2009 onwards in Central Jail/Trichy.

Thus you have violated Rules 146.1, 146.4 & 146.7 (iii) of RPF Rules – 1987, and contravened Para 3.1(i),(ii), & (iii) of Railway Services (Conduct) Rules – 1966.”

2.2. Thereafter, the petitioner was proceeded against by duly placing him under suspension, and the enquiry officer, after having conducted an



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enquiry into the matter, submitted his report on 13.12.2009 holding both the charges as proved against the petitioner. A copy of the enquiry report was furnished to the petitioner and accordingly, the petitioner submitted his representation on 07.01.2010. It was thereafter, the petitioner was imposed with punishment of removal from service through penalty advice dated 20.01.2010. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent herein and the said appeal was rejected by the 2nd respondent by an order dated 07.05.2010.

3. While so, the crime that was registered against the petitioner vide Crime No.585 of 2008 of Trichy Contonment Police Station was taken on file as Sessions Case No.137 of 2010 on the file of the Court of the learned Sessions Judge, Mahila Court, Trichy and the same ended in acquittal of the petitioner by judgement dated 21.12.2010. In the meanwhile, the petitioner has involved in yet another crime vide Crime No.1165/2009 of Contonment Police Station, Trichy under Section 380 of IPC and he was again sent to judicial custody on 15.08.2009. In view of the said involvement of the petitioner in yet another crime, the petitioner was issued with 2nd charge sheet dated 25.08.2009 containing two charges. The said charges reads as under:

“Shri.S.Saravanan, CON-414/TPGY is charged for his



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violation of code of behaviour, indiscipline, serious misbehaviour and discreditable conduct in that,

1. He has been arrested by the local police cantonment Trichy on 14.08.2009 and a case has been registered against him vide cantonment Police Station Crime No.1165/2009 U/Sec.380 IPC and sent to judicial custody on 15.08.2009.

2. Further, he was remanded to judicial custody from 15.08.2009 onwards in Central Jail/Trichy.

Thus he violated Rules 146.1, 146.4 & 146.7(iii) of RPF Rules – 1987 and contravened Para 3.1(i),(ii) & (iii) of Railway Service (Conduct) Rules – 1966 Hence the charge.”

The said crime was taken on file as C.C.No.188 of 2009 on the file of the Court of the Judicial Magistrate No.2, Trichy and the same was also ended in acquittal of the petitioner by judgement dated 09.06.2010.

4. It was thereafter, the petitioner, having suffered the punishment of removal from service by an order dated 20.01.2010 as confirmed by an order dated 07.05.2010, filed the revision petition before the 1st respondent duly enclosing a copy of the judgement in C.C.No.188 of 2009 and S.C No.137 of 2010 seeking to set aside the penalty imposed on him and to reinstate him into service with backwages and other consequential service benefits. The said revision petition that was filed on 11.02.2011 was rejected by the 1st respondent by an order dated 17.03.2011. It is aggrieved by the said order dated 17.03.2011 communicated through letter dated 22.03.2011, the



petitioner approached this Court by filing the present writ petition.

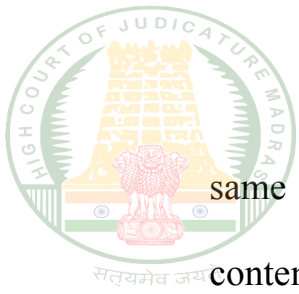
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5. Mr.Balan Haridas, learned counsel appearing for the petitioner, urged before this Court a solitary ground, contending that the charges that were levelled against the petitioner under the first charge sheet by the respondents is only on the ground of mere involvement of the petitioner in Crime No.585 of 2008 of Contonment Police Station and the consequential arrest and judicial custody of the petitioner and as such, the same cannot be treated as misconduct; and even assuming that the same amounts to misconduct, the very same charges are levelled against the petitioner in the criminal proceedings in S.C.No.137 of 2010, wherein the petitioner was honourably acquitted by the learned Sessions Judge, Mahila Court, Trichy and therefore, the punishment that was imposed on the petitioner, basing upon the very same charges, cannot be sustained. He also placed reliance on decision of the Hon'ble Apex Court in the case of ***Ram Lal Vs. State of Rajasthan and Others*** reported in ***2023 Supreme (SC) 1191***. Thus, in nutshell, it is the contention of the learned counsel for the petitioner that the impugned punishment of removal from service imposed on the petitioner is liable to be quashed, as the petitioner was acquitted by the competent Court in respect of very same charges.



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6. On the other hand, Mr.M.Karthikeyan, learned counsel appearing for the respondents contended that the acquittal of the petitioner in the criminal case is nothing to do with the departmental proceedings and the departmental proceedings are independent of the criminal proceedings. He also further submitted that the star witness/the complainant, who lodged the complaint against the petitioner, gave evidence in the departmental proceedings in support of the charge and involvement of the petitioner about his misconduct in terms of the Rules 146(i), 146.4 and 146.7(iii) of the RPF Rules, 1987 and para 3.1(i),(ii) and (iii) of the Railway Service Conduct Rules, 1966 and inspite of the petitioner cross-examining the complainant, nothing could be elicited from the complainant. Whereas, the said complainant, who gave evidence in the departmental proceedings, turned hostile in the criminal proceedings, and it is because of the said reason the petitioner was acquitted in S.C.No.137 of 2010. He also further contended that the acquittal of the petitioner in the said S.C.No.137 of 2010 cannot be construed as an honourable acquittal, as the same is because of the prime witness turning hostile, the petitioner was acquitted. Thus, it is contended that the judgement of the learned Sessions Judge is not basing upon merits, but it was because of the prime witness turning hostile, and therefore, the



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same cannot be construed as an honourable acquittal. In support of his contention, he also placed reliance on decisions of the Hon'ble Apex Court reported in (2021) 12 SCC 569, (2022) 19 SCC 713, (2023) SCC Online TS 663.

7. This Court has carefully considered the submissions made on either side and also perused the entire material on record.

8. In the light of the rival submissions made on either side, the only point that would arise for consideration is whether the punishment of removal from service imposed on the petitioner by the respondent as confirmed by the appellate and revisional authorities is liable to be quashed in view of the acquittal of the petitioner in S.C.No.137 of 2010 or not?

9. No doubt, the Hon'ble Apex Court in the case of **Ram Lal**, held that in case if the charges that are levelled in the departmental proceedings as well as in the criminal proceedings are identical in nature, and the evidence that was adduced and relied upon in the departmental proceedings as well as criminal proceedings is also identical, then, in such cases, if the competent criminal Court records a finding on the said charges basing upon the evidence, the departmental authorities cannot be allowed to record a finding otherwise.



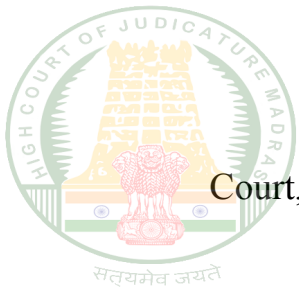
The relevant paragraph in the said decision reads as under:

“11. We have examined both the questions independently. We are conscious of the fact that a writ court's power to review the order of the Disciplinary Authority is very limited. The scope of enquiry is only to examine whether the decision-making process is legitimate. [See State Bank of India vs. A.G.D. Reddy, 2023 INSC 766:2023 (11) Scale 530]. As part of that exercise, the courts exercising power of judicial review are entitle to consider whether the findings of the Disciplinary Authority have ignored material evidence and if it so find, courts are not powerless to interfere. [See United Bank of India Vs. Biswanath Bhattacharjee, 2022 INSC 117 : (2022) 133 SCC 329]

12. We are also conscious of the fact that mere acquittal by a criminal court will not confer on the employee a right to claim any benefit, including reinstatement. [See Deputy Inspector General of Police and Another vs. S.Samuthiram, (2013) 1 SCC 598]

13. However, if the charges in the departmental enquiry and the criminal court are identical or similar, and if the evidence, witnesses and circumstances are one and the same, then the matter acquires a different dimension. If the court in judicial review concludes that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge, the Court in judicial review can grant redress in certain circumstances. The court will be entitled to exercise its discretion and grant relief, if it concludes that allowing the findings in the disciplinary proceedings to stand will be unjust, unfair and oppressive. Each case will turn on its own facts. [See G.M.Tank vs. State of Gujarat and Others, (2006) 5 SCC 446, State Bank of Hyderabad Vs. P.Kata Rao, (2008) 15 SCC 657 and S.Samuthiram (supra)]”

10. By applying the above ratio laid down by the Hon'ble Apex



Court, the facts of the case on hand needs to be examined

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11. Admittedly, Smt.Shajitha @ Mahalakshmi, who lodged a complaint against the petitioner resulting in registration of a crime vide Crime No.585 of 2008, was examined as PW.3 in the departmental proceedings and the said Mahalakshmi's friend, Divya was examined as PW.4 in the departmental proceedings, and they have stand by their complaint lodged to the police and also spoken about the offence committed by the petitioner against them. In the cross-examination of both the witnesses, there is nothing elicited nor there was even a suggestion to say that there was no occasion for the petitioner to commit such an offence.

12. On the other hand, the questions that were put to both the witnesses would go to suggest that there was such an incident and that the petitioner was involved in the said incident. Basing upon the evidence given by PW.3 and PW.4, the respondents authorities came to the conclusion that the petitioner has committed a misconduct under Rules 146(i), 146.4 and 146.7(iii) of the RPF Rules, 1987 and para 3.1(i),(ii) and (iii) of the Railway Service Conduct Rules. Whereas the above said two witnesses, who were examined as PW.3 and PW.4 in the departmental proceedings, were examined as P.W.1 and P.W.2 in the sessions case vide S.C.No.137 of 2010.



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13. A perusal of the judgement dated 21.12.2010 rendered in the said sessions case would disclose that the said two witnesses have stick to their stand in the chief examination. But, when the matter came up for cross-examination on recall, they were declared hostile, and it is because of the non-cooperation of the said two witnesses, the learned Sessions Judge came to the conclusion that the criminal charges that are levelled against the petitioner as not proved and found the petitioner as not guilty. In this connection, it would be relevant to refer to the decision relied upon by the learned counsel appearing for the respondents in the case of ***State of Rajasthan and Ors. Vs. Heem Singh*** reported in (2021) 12 SCC 569, wherein the Hon'ble Apex Court held as under:

“38. In the present case, we have an acquittal in a criminal trial on a charge of murder. The judgment of the Sessions Court is a reflection of the vagaries of the administration of criminal justice. The judgment contains a litany of hostile witnesses, and of the star witness resiling from his statements. Our precedents indicate that acquittal in a criminal trial in such circumstances does not conclude a disciplinary enquiry. In Southern Railway Officers Assn. v. Union of India [Southern Railway Officers Assn. v. Union of India, (2009) 9 SCC 24 : (2009) 2 SCC (L&S) 552] , this Court held : (SCC p. 40, para 37)

“37. Acquittal in a criminal case by itself cannot be a ground for interfering with an order of punishment imposed by the disciplinary authority. The High Court



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did not say that the said fact had not been taken into consideration. The revisional authority did so. It is now a well-settled principle of law that the order of dismissal can be passed even if the delinquent official had been acquitted of the criminal charge.”

(emphasis supplied)

39. *In State v. S. Samuthiram [State v. S. Samuthiram, (2013) 1 SCC 598 : (2013) 1 SCC (Cri) 566 : (2013) 1 SCC (L&S) 229] , a two-Judge Bench of this Court held that unless the accused has an “honourable acquittal” in their criminal trial, as opposed to an acquittal due to witnesses turning hostile or for technical reasons, the acquittal shall not affect the decision in the disciplinary proceedings and lead to automatic reinstatement. But the penal statutes governing substance or procedure do not allude to an “honourable acquittal”. Noticing this, the Court observed : (SCC pp. 609-10, paras 24-26)*

“Honourable acquittal

24. The meaning of the expression “honourable acquittal” came up for consideration before this Court in RBI v. Bhopal Singh Panchal [RBI v. Bhopal Singh Panchal, (1994) 1 SCC 541 : 1994 SCC (L&S) 594] . In that case, this Court has considered the impact of Regulation 46(4) dealing with honourable acquittal by a criminal court on the disciplinary proceedings. In that context, this Court held that the mere acquittal does not entitle an employee to reinstatement in service, the acquittal, it was held, has to be honourable. The expressions “honourable acquittal”, “acquitted of blame”, “fully exonerated” are unknown to the Code of Criminal Procedure or the Penal Code, which are coined by judicial pronouncements. It is difficult to define precisely what is meant by the expression “honourably acquitted”. When the accused is acquitted after full consideration of prosecution evidence and that the prosecution had miserably failed to prove the



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charges levelled against the accused, it can possibly be said that the accused was honourably acquitted.

25. *In R.P. Kapur v. Union of India [R.P. Kapur v. Union of India, AIR 1964 SC 787] it was held that even in the case of acquittal, departmental proceedings may follow where the acquittal is other than honourable. In State of Assam v. Raghava Rajgopalachari [State of Assam v. Raghava Rajgopalachari, 1972 SLR 44 (SC)] this Court quoted with approval the views expressed by Lord Williams, J. in Robert Stuart Wauchope v. Emperor [Robert Stuart Wauchope v. Emperor, 1933 SCC OnLine Cal 369 : ILR (1934) 61 Cal 168] which is as follows : (Raghava case [State of Assam v. Raghava Rajgopalachari, 1972 SLR 44 (SC)] , SLR p. 47, para 8)*

‘8. ... The expression “honourably acquitted” is one which is unknown to courts of justice. Apparently it is a form of order used in courts martial and other extra-judicial tribunals. We said in our judgment that we accepted the explanation given by the appellant, believed it to be true and considered that it ought to have been accepted by the government authorities and by the Magistrate. Further, we decided that the appellant had not misappropriated the monies referred to in the charge. It is thus clear that the effect of our judgment was that the appellant was acquitted as fully and completely as it was possible for him to be acquitted. Presumably, this is equivalent to what government authorities term “honourably acquitted”.’ (Robert Stuart case [Robert Stuart Wauchope v. Emperor, 1933 SCC OnLine Cal 369 : ILR (1934) 61 Cal 168] , ILR pp. 188-89)

26. *As we have already indicated, in the absence of any provision in the service rules for reinstatement, if an employee is honourably acquitted by a criminal court, no right is conferred on the employee to claim any benefit including reinstatement. Reason is that the*



standard of proof required for holding a person guilty by a criminal court and the enquiry conducted by way of disciplinary proceeding is entirely different. In a criminal case, the onus of establishing the guilt of the accused is on the prosecution and if it fails to establish the guilt beyond reasonable doubt, the accused is assumed to be innocent. It is settled law that the strict burden of proof required to establish guilt in a criminal court is not required in disciplinary proceedings and preponderance of probabilities is sufficient. There may be cases where a person is acquitted for technical reasons or the prosecution giving up other witnesses since few of the other witnesses turned hostile, etc. In the case on hand the prosecution did not take steps to examine many of the crucial witnesses on the ground that the complainant and his wife turned hostile. The court, therefore, acquitted the accused giving the benefit of doubt. We are not prepared to say that in the instant case, the respondent was honourably acquitted by the criminal court and even if it is so, he is not entitled to claim reinstatement since the Tamil Nadu Service Rules do not provide so."

(emphasis supplied)

40. *In the present case, the respondent was acquitted of the charge of murder. The circumstances in which the trial led to an acquittal have been elucidated in detail above. The verdict of the criminal trial did not conclude the disciplinary enquiry. The disciplinary enquiry was not governed by proof beyond reasonable doubt or by the rules of evidence which governed the criminal trial. True, even on the more relaxed standard which governs a disciplinary enquiry, evidence of the involvement of the respondent in a conspiracy involving the death of Bhanwar Singh would be difficult to prove. But there are, as we have seen earlier, circumstances emerging from the record of the disciplinary proceedings which bring legitimacy to the contention of the State that to reinstate such an employee back in service will erode the credibility of and public confidence in the image of the police force.*



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14. Similarly, in the case of ***State of Rajasthan and Ors Vs. Phool***

Singh reported in (2022) 19 SCC 713, the Hon'ble Apex Court held as under:

“13. The question before this Court is therefore only to see whether the respondent can be reinstated in service for the reason that now on the same set of charges he has been acquitted by a criminal court?”

14. There should be no ambiguity in law on this subject. A departmental proceeding is different from a criminal proceeding. The fundamental difference between the two is that whereas in a departmental proceeding a delinquent employee can be held guilty on the basis of “preponderance of probabilities”, in a criminal court the prosecution has to prove its case “beyond reasonable doubt”. In short, the difference between the two proceedings would lie in the nature of evidence and the degree of its scrutiny. The two forums therefore run at different levels. For this reason, this Court has consistently held that merely because a person has been acquitted in a criminal trial, he cannot be ipso facto reinstated in service.”

15. From the above decisions of the Hon'ble Apex Court, it is clear that in case, if an accused was acquitted in a criminal case because of the crucial witnesses turning hostile, the same cannot be treated as honourable acquittal. Further, it is also a settled legal position that the standard of proof that is required in a departmental proceedings is totally different than the standard of proof that is required in criminal proceedings. In a departmental proceedings, a conclusion can be arrived at basing upon the preponderance of



probabilities unlike in the criminal proceedings. As already observed above, in the instant case, there is enough evidence to suggest the involvement of the petitioner in the criminal proceedings, which amounts to misconduct under the relevant Rules, as noted above.

16. In the light of the evidence that was brought on record in the departmental proceedings as observed herein above, this Court is of the considered view that the evidence that was placed before the departmental proceedings and the criminal proceedings cannot be construed as identical or as one and the same. PW3 and PW4 who were examined as witnesses in the departmental proceedings have changed their mind at later point of time and turned hostile in the criminal proceedings resulting in acquittal of the petitioner. Therefore, such an acquittal of the petitioner in the considered view of this Court and in light of the decision of the Hon'ble Apex Court in the case of **Ram Lal** does not come to the rescue of the petitioner. In the light of the above, this Court is unable to agree with the contention of the learned counsel for the petitioner and accordingly, W.P.No.6672 of 2012 is dismissed.

17. Insofar as W.P.No.6673 of 2012 is concerned, the said writ petition has been filed challenging the Memorandum No.SXT/P-227/R-



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153/SS/06/09 dated 22.01.2010, whereby the disciplinary proceedings were initiated against the petitioner was kept in abeyance, and the second charge sheet No.SXT.227/R.153/SS/11/2009 dated 25.08.2009. The said memo dated 22.01.2010 has been issued in view of the fact that the petitioner was already removed from service by an order dated 20.01.2010, and as no useful purpose would be served by continuing the said proceedings. In view of the same, this Court does not see any reason to find fault with the view of the respondents in issuing the memo dated 22.01.2010, especially in the context of the fact that the W.P.No.6672 of 2012 is being dismissed by this common order.

18. Accordingly, both the writ petitions are dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

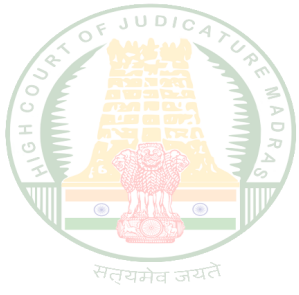
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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



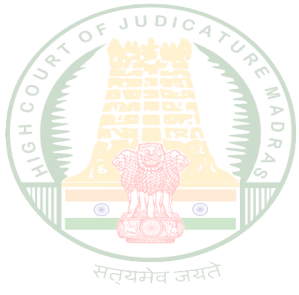
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W.P.Nos.6672 & 6673 of



To

- 1.The Additional Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Moore Market Complex,
Park Town, Chennai – 600 003.
- 2.The Deputy Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
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- 3.The Divisional Security Commissioner,
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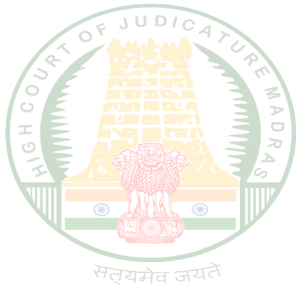
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