



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A. No. 1627 of 2022

and C.M.P.No.10961 of 2022

1. The Inspector General
Armed Police, Lotus Garden,
Kilpauk, Chennai - 10

2. The Commandant
Tamil Nadu Special Police,
VI Battalion, Madurai

3. The Deputy Inspector General of Police
Armed Police (M and W), Tiruchy

...Appellant(s)

Vs

K.Saravana Babu
Police Constable 2061, Mukkudal
Police station, Tirunelveli District.

...Respondent(s)



PRAYER

The Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 05.01.2021 made in W.P.No. 977 of 2007.

For Appellant(s): Mr. P. Kumaresan
Additional Advocate General
Assisted by Mr.G.Ameedius
Government Advocate

For Respondent(s): Mr. S. F. Mohamed Yousuf

JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH, J.)

On the strength of certain proven charges when the respondent herein was imposed with punishment of reduction in time scale of pay by three stages for three years with cumulative effect, he had preferred an appeal to the first appellant herein. However, the original punishment was enhanced and modified into a major punishment of dismissal from service. This was put under further challenge before the Central Administrative Tribunal, which was transferred and renumbered as Writ Petition in W.P.No.977 of 2007.

2. The learned single Judge by order dated 05.01.2021 had found that the punishment order was based only on suspicion and conjectures and not based on any oral and documentary evidences and therefore, had set aside both the punishment order of the disciplinary authority as well as the appellate authority. This order is under challenge in the present Appeal.



3. The learned Additional Advocate General appearing for the department would submit that the respondent herein was employed as Police Constable in Armed Reserved Police, which is a disciplined department and therefore, the charge against him for an illegal intimacy with another woman Constable will be viewed very seriously and therefore, attempted to sustain the punishment of dismissal from service.

4. The learned counsel appearing for the second respondent on the other hand submitted that there was absolutely no evidence before the Enquiry Officer to substantiate the charges and out of 12 witnesses, none of them had deposed anything to implicate the charge against the respondent herein.

5. We have gone through the enquiry proceedings as well as the orders of original punishment and the appellate authority's enhanced punishment.

6. During the course of enquiry, the department had examined 12 witnesses and none of the witnesses had implicated the delinquency on the respondent herein. It is only on the basis of suspicion and conjectures, did the Enquiry Officer come to the decision that the charge against the respondent stands proved.



WEB COPY

7. In this back ground, the learned single Judge had placed reliance on the decisions of the Hon'ble Supreme Court and came to the conclusion that in cases of unlawful or immoral activities, decisions cannot be arrived at by the disciplinary authority based on suspicion and conjectures. The learned single Judge also recorded that this is not a case where the decision was taken on the preponderance of probabilities, but, only on surmises. The judgments relied on by the learned single Judge are as follows:-

(1) *Nand Kishore Prasad Vs. State of Bihar and others* reported in *AIR 1978 SC 1277*,

(2) *Roop Singh Negi Vs. Punjab National Bank and others*, reported in *(2009) 2 SCC 570*,

(3) *Union of India Vs. H.S.Goel* reported in *AIR 1964 SC 364*, and

(4) *Moni Shankar Vs. Union of India* reported in *(2008) 3 SCC 484*

8. We totally endorse the view of the learned single Judge since the materials before us do not indicate otherwise. Accordingly, there are no merits in this Writ Appeal and the same stands dismissed.

9. In view of dismissal of this Writ Appeal, the appellant herein shall pass appropriate orders extending all the service and monetary benefits that may have been deprived to him during the pendency of the disciplinary proceedings.



Such exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, connected Miscellaneous Petition is closed.

(M. S. RAMESH, J.) (R. SAKTHIVEL, J.)

04-11-2025

ASI

Index :Yes

Speaking Order

Internet :Yes

Neutral Citation :Yes

To

K.Saravana Babu
Police Constable 2061,
Mukkudal Police Station,
Tirunelveli District.



WEB COPY

W.A. No. 1627 of 2022



**M. S. RAMESH, J.
AND
R. SAKTHIVEL, J.**

ASI

**W.A. No. 1627 of 2022
and C.M.P.No.10961 of 2022**

04-11-2025