



W.P.No.12528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.12528 of 2024

&

W.M.P.Nos.13679 of 2024 & 9264 of 2025

S.Selvanagarathinam

... Petitioner

Versus

1. The Disciplinary Authority
Represented by
The Additional Chief Secretary to Government
Home (SC) Department
Secretariat, Chennai – 600 009
2. The Director General of Police
(Law and Order)
Post Box No.601
Dr.Radhakrishnan Salai
Mylapore, Chennai – 600 004
3. Additional Director General of Police (CB-CID)
No.24, Pantheon Road
Egmore – 600 008



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4. The Additional Deputy Superintendent of Police
Special Investigation Division
Crime Branch CID
Egmore, Chennai – 600 008

5. Ms.Maheswari
Special Investigation Division
Crime Branch CID
Egmore, Chennai – 600 008

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the impugned order passed by the Central Administrative Tribunal, Chennai Bench dated 08.04.2024 in O.A.No.225 of 2023 and set aside the part of the impugned order giving liberty to the respondents to take further action against the petitioner as per rules on the basis of the complaint/report received against the petitioner by issuing a fresh charge memo.

For Petitioner : Mr.V.Prakash
Senior counsel
for Ms.K.Jayasudha

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by
Mr.K.H.Ravikumar
Government Advocate for R1 to R4



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ORDER

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(Order of the Court was made by N.SATHISH KUMAR, J.)

This writ petition has been filed challenging the order of the Central Administrative Tribunal, Chennai Bench dated 08.04.2024 in O.A.No.225 of 2023.

2. The Central Administrative Tribunal, while quashing the charge memo, granted liberty to the authority to take further action as per rules on the basis of the complaint / report received against the petitioner, by issuing a fresh charge memo.

3. Mr.Haja Nazirudeen, learned Additional Advocate General submitted that now a fresh charge memo has been issued and the enquiry has commenced.

4. The learned Senior counsel appearing for the petitioner drew the attention of this Court to Paragraphs 13 and 14 of a judgment of a Division Bench of Gujarat High Court in ***Maheshbhai Bhurjibhai Damor Vs. State of Gujarat and Ors*** report in ***MANU/GJ/0703/2022*** and contended that the alleged relationship is no way connected with the service of the petitioner, there was a mutual relationship between the parties and the same will not



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come within the ambit of misconduct. For better appreciation, paragraphs 13 and 14 of ***Maheshbhai Bhurjibhai Damor*** case is extracted hereunder:

'13. The facts of the present case are to the effect that on 2.11.2012 and 3.11.2012, at the instance of the lady, the petitioner during the night hours, visited her quarter where she was staying and were having intimate moments, which were caught in the CCTV camera installed. The incident led to filing of a complaint dated 7.12.2012 by the brother-in-law of the lady to the respondent no. 3, inter alia, stating that the petitioner had developed illicit relationship with a lady and has exploited her and has committed misconduct of moral turpitude, which is punishable. After the complaint was submitted to the respondent no. 3 - Police Commissioner, statements of the petitioner, the lady and mother-in-law of the lady were recorded by the respondents and ultimately, it led to issuance of the show cause notice dated 10.10.2013. It has been alleged in the notice that the petitioner despite being married by committing such act has brought disrepute to the police department. It is further alleged that the petitioner has exploited woman instead of providing security and such act cannot be taken lightly. The notice further records that considering the incident in question, it is likely that during the inquiry proceedings, embarrassing position may arise and therefore, it would not be proper to conduct the inquiry under the Rules. The authority, in exercise of powers



under sub-clause (b) of second proviso of clause (2) of Article 311 of the Constitution, dispensed with the inquiry and called upon the petitioner to respond as to why he should not be dismissed from service for commission of such a serious offence.

14. Pertinently, the edifice on which the notice has been issued is exploitation of widow and hence, moral turpitude. As the record reveals, the relation between the petitioner and the lady was mutual. The said fact is strengthened by the statement recorded of the lady, wherein she has in no uncertain terms declared that she has voluntarily entered into the relationship with the petitioner. Once the relation is voluntary and mutual between two adults, the observations made by the respondent no. 4 to the effect that act of woman exploitation cannot be taken lightly, is erroneous and perverse. The question therefore arises is that if the relationship between two adults was mutual and on their own volition, whether the said act could be covered within the sweep of the term misconduct.

5. Though the very allegation against the petitioner also indicate that the so called complainant is also a major and there was an affair between the parties, it is not alleged anyway that only in nexus of the duty, she was compelled to have relationship.

6. Be that as it may, now the fresh charge memo has been issued and



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the enquiry has commenced. In such view of the matter, we are not inclined to stay the further proceedings and liberty is granted to the petitioner to challenge the charge memo before the Tribunal as per law within a period of two weeks from today. Till such time, the respondent shall not precipitate the matter any further.

7. With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
05.11.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

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