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W.A.No.2742 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.2742 of 2023

Additional Director General of Police
Crime, Chennai – 8.

.. Appellant

Vs.

M. Mohamed Khan

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 15.07.2021 made in W.P.No.516 of 2019.

For the Appellant : Mr.P.Kumaresan
Additional Advocate General
assisted by Mrs.Anitha
Special Government Pleader

For the Respondent : Mr.L.Chandrakumar

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the Writ Court dated 15.07.2021 made in W.P.No.516 of 2019.

2. The brief facts, leading to the filing of this writ appeal, are as follows:-



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(i) That the respondent/writ petitioner joined in the Police Service as Grade II Police Constable on 13.03.1981 and was promoted as Grade I Police Constable on 07.01.1996. He was further promoted as Head Constable on 20.07.2000 and Special Sub-Inspector on 01.08.2010. He was posted in the Video Piracy Cell, CB CID, Coimbatore Unit from 07.07.2008 to 09.02.2009.

(ii) While so, on 09.02.2009, the Superintendent of Police, Video Piracy Cell, CB CID, Chennai, has placed the respondent/writ petitioner under suspension on the ground that a criminal case has been registered and is under investigation.

(iii) A criminal case in Crime No.4/2009 was registered by the Vigilance and Anti-Corruption Detachment, Coimbatore, against one *A.P.Krishnaswamy*, Inspector of Police, Video Piracy Cell, CB CID, Coimbatore and three others. In that case, the respondent was A4.

(iv) The sum and substance of the complaint which triggered the filing of the criminal case was that a complaint was given by one *A.Mani*, alleging that a sum of Rs.10,000/- was demanded by the said *A.P.Krishnaswamy* on 02.02.2009, which was paid by him and received by the respondent/writ petitioner on behalf of the said



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A.P.Krishnaswamy.

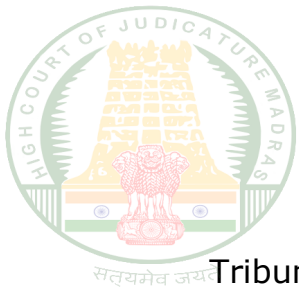
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(v) Insofar as the criminal case is concerned, by the order and judgment dated 28.12.2017, the respondent/writ petitioner was acquitted from the said said criminal charge, as the alleged sum of Rs.10,000/-, demanded and received, was not recovered from any of the accused. However, subsequently, the appellant Department initiated Disciplinary Proceedings against the respondent/writ petitioner by issuing a charge memo in P.R.No.09/2018 under Section 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955.

(vi) The said charge memo dated 24.12.2018 was put under challenge in the said writ petition by the respondent, who stood as the writ petitioner.

(vii) The main ground that was raised by the respondent/writ petitioner before the Writ Court was that as per Rule 4 of the Tamil Nadu Civil Service (Disciplinary Proceedings Tribunal) Rules, 1955¹, certain cases with regard to framing of charges and disciplinary proceedings of Government Servants shall be referred only to the

¹ [hereinafter referred to as "Tribunal Rules, 1955" for brevity]



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Tribunal, established under the Tribunal Rules, 1955, and in that regard, no separate Disciplinary Proceedings, by framing charges by the Disciplinary Authority, can be permitted to be initiated.

(viii) This ground was appealing to the Writ Court, as the learned Judge who passed the impugned order dated 15.07.2021, after having gone through Rule 4 of the Tribunal Rules, 1955, by taking the word “shall” employed in Rule 4(1) to state that the Government shall, subject to the provisions of Rule 5, refer the following cases to the Tribunal; (a) Cases relating to Officers of the State Services in respect of matters involving corruption on the part of such Officers and etc., has concluded that insofar as the compulsory nature of Rule 4 is concerned, if any Government Servant is involved in corruption case, that shall be referred only to the Tribunal and not to conduct any independent Disciplinary Proceedings by the Disciplinary Authority.

(ix) In support of this proposition, the learned Writ Court has relied upon the decision of the Hon'ble Supreme Court in the case of **Secretary to Government of Tamil Nadu vs. D.Subramanyan Rajadevan²**.

² AIR 1996 SCC 2634



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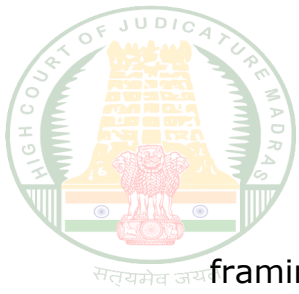
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(x) Only on this sole ground, the learned Judge has allowed the said writ petition by setting aside or quashing the charge memo dated 24.12.2018. Aggrieved over the said order of the Writ Court dated 15.07.2021, the present intra-Court appeal has been directed.

3. Since the writ petition was allowed on the one and only ground of Rule 4 of the Tribunal Rules, 1955, whether such a conclusion reached by the learned Judge in the impugned order is sustainable or not is to be gone into.

4.1. In this context, *Mr.P.Kumaresan*, learned Additional Advocate General, assisted by *Mrs.Anitha*, learned Special Government Pleader appearing for the appellant, has straight away relied upon the recent judgment of a Division Bench of this Court dated 16.04.2025 in the case of ***The District Collector and Anr. vs. M.Rameshkumar***³ and would submit that the issue, as to whether the cases involving corruption should only be referred to the Tribunal or it is the discretion of the Authority concerned either to refer to the Tribunal or to initiate Disciplinary Proceedings by

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framing charges, was considered elaborately by the said Division Bench in the case of **M.Rameshkumar** (cited *supra*), where, the Hon'ble Supreme Court's decision, relied by the learned Judge in the impugned order in **D.Subramanyan Rajadevan** (cited *supra*), also has been considered.

4.2. By relying upon this Division Bench judgment, the learned Additional Advocate General would contend that the law having been settled by virtue of the latest Division Bench judgment of this Court in the case of **M.Rameshkumar** (cited *supra*), the one and only ground which was appealing to the Writ Court for allowing the said writ petition through the impugned order is invalid or the approach of the Writ Court may be erroneous, therefore, the impugned order is liable to be interfered with, he contended.

5.1. On the other hand, *Mr.L.Chandrakumar*, learned counsel appearing for the respondent/writ petitioner would fairly submit that insofar as the legal position as to whether mandatorily all the cases, where corruption charges are involved, are necessarily to be referred only to the Tribunal or is it with the discretion of the Disciplinary Authority to refer the matter either to the Tribunal or to initiate Disciplinary Proceedings on their own, has been dealt in the



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Division Bench judgment, therefore, to that extent, the legal position can be clarified by this Court as against the judgment impugned herein.

5.2. However, the learned counsel for the respondent/writ petitioner would submit that the alleged occurrence is of the year 2009 and the criminal case, which was pending for several years, ultimately came to an end by 28.12.2017, where, honorable acquittal has been registered by the concerned Special Court in the said criminal case and the respondent/writ petitioner and other accused were acquitted. Thereafter, though the respondent/writ petitioner attained superannuation, he was not permitted to retire, therefore, if at all any Disciplinary Proceedings, afresh, are to be initiated, as the charge memo has been issued only on 24.12.2018, that is after the superannuation of the respondent/writ petitioner, the only route is Rule 9 of the Tamil Nadu Pension Rules, 1978⁴. However, in the said Rule, there is a limitation, under which, if any occurrence had taken place four years prior to superannuation, even such proceedings cannot be initiated invoking Rule 9 of the 1978 Rules.

⁴ Hereinafter “1978 Rules”, for brevity



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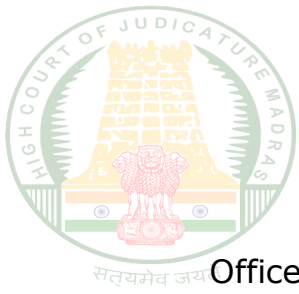
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5.3. Therefore, on that ground alone, the Disciplinary Proceedings initiated by issuance of charge memo dated 24.12.2018 gets vitiated, hence, he requests this Court to consider this aspects and to pass orders in the writ appeal.

6. We have considered the said rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

7.1. First, let us take up the legal position with regard to the sole ground under which the writ petition was allowed by the Writ Court through the order impugned.

7.2. In this context, the learned Writ Court has relied upon Rule 4 of the Tribunal Rules, 1955, and the said Rule, in entirety, has been extracted in the impugned order itself, where, what are all the cases involving corruption or charges of corruption combined with other charges to be referred to the Tribunal are mentioned. In this context, the learned Judge has given interpretation to the word "*shall*" employed in Rule 4(1) of the Tribunal Rules, 1955, that the Government shall, subject to the provisions of Rule 5, refer the following cases to the Tribunal, namely; (a) cases relating to



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Officers of the State Services in respect of matters involving corruption on the part of such Officers and etc.

7.3. By relying upon this Rule, the learned Judge would come to the conclusion that whenever the delinquent is leveled with charges of corruption or charges of corruption combined with other charges, the Tribunal would be the appropriate Authority to deal with the Disciplinary Proceedings and in all other cases, the provisions of the Tamil Nadu Civil Service (Discipline and Appeal) Rules shall be applied.

7.4. The learned Judge also has relied upon the decision of the Hon'ble Supreme Court in the case of **D.Subramanyan Rajadevan** (cited *supra*).

7.5. This issue, as well as the decision of the Hon'ble Supreme Court, has exactly been considered by the Division Bench in the case of **M.Rameshkumar** (cited *supra*) and to understand the issue still better, the relevant passages from the said judgment are extracted hereunder:-



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"46. However, as per Rule 3(3) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 only those cases which are transferred by the Government to the Tribunal will have to be enquired by the Tribunal under the provisions of the aforesaid Rules.

47. As per Rule 4(1) of the Tamil Nadu Civil Services (Discipline Proceedings Rules, 1955, the Government shall refer the cases to the Tribunal for Disciplinary Proceedings constituted under Rule 3 of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 under the following circumstances, namely:-

(a) Cases relating to Officers of the State Services in respect of matters involving corruption on the part of such Officers; and

(b) All appeals or petitions to the Government against orders passed on charges of corruption and all disciplinary cases in which the Government propose to revise original orders passed on such charges.

48. Rule 4(1) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 is reproduced under:-

□4(1) The Government shall, subject to the provisions of rule 5, refer the following cases to the Tribunal, namely:

(a) Cases relating to Officers of the State Services in respect of matters involving corruption on the part of such Officers; and

(b) All appeals or petitions to the Government against orders passed on charges of corruption and all disciplinary cases in which the Government propose to revise original orders passed on such



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charges;□

49. However, as per Proviso to Rule 4(1) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 it shall not be necessary to consult the Tribunal under the following circumstances:-

- i. In any case in which the Tribunal has, at any previous stage, given advice in regard to the order to be passed and no fresh question has thereafter arisen for determination; or
- ii. Where the Government propose to pass orders rejecting such appeal or petition.

50. The reference to be made under Rule 4(1) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 is subject to Rule 5 of the afore mentioned Rules. The use of the expression ~~shall~~ in Rule 4(1) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 indicates there is no discretion vested with the Government. This is also discernible from a cursory reading of the decision of the Hon-ble Supreme Court in D.Subramanyan Rajadevan-s case (cited supra).

...

64. For the sake of clarity, Sub-Rule 4 to Rule 4 of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 is reproduced below:-

(4). The Executive Authority of a Local Authority may, with the sanction of the Government and shall, if so required by the Government, refer to the Tribunal cases of servants of the Local Authority when they are involved in charges of corruption jointly



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with Government servants whose cases are referred to the Tribunal under this Rule. The cases so referred shall be enquired into by the Tribunal in accordance with the Rules relating to appointment and punishment of officers and servants of the Local Authority.□

65. As per Rule 5(a) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, where a reference is made under Rule 4(1) or Rule 4(2) of the Tamil Nadu Civil Services (Discipline Proceedings Tribunal) Rules, 1955 to the Tribunal, all records of the case shall be forwarded to the Government on completion of investigation by the Directorate/ Departmental Authority concerned.

66. Rule 5(a) of the the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 reads as under:-

5. (a) In every case referred to in clause (a) of sub~rule (1) and sub~rule (2) of rule 4, on completion of investigation, the Directorate of Vigilance and Anti~Corruption or any other Branch of the Police or other departmental authority concerned, shall forward to the Government all the records of the case;

Provided that the Directorate of Vigilance and Anti~Corruption shall forward its records to the Government through the Vigilance Commissioner, Chennai. Explanation.~ For the purpose of this clause investigation includes investigation made under the General Law or any special enactment.□

67. There is however an exception to Rule 4 of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 under Rule 5(b)(i) of the Tamil Nadu Civil Services



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(Disciplinary Proceedings Tribunal) Rules, 1955 as it starts with a non-obstanti clause.

68. As per Rule 5(b)(i) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, notwithstanding anything contained in Rule 4, the Government shall after consulting the Head of the Department concerned, if necessary, decide whether the case shall be tried in a Court of law or by the Tribunal or by the Departmental Authority concerned. Thus, it is not mandatory to refer the case to the Tribunal. Therefore, it is clear that not in all cases of corruption, the case has to be mandatorily referred to the Disciplinary Proceedings Tribunal.

69. Though, in Paragraph 4 of the decision, the Hon-ble Supreme Court in Secretary to Government of Tamil Nadu Vs. D.Subramanyan Rajadevan, AIR 1996 SC 2634 has referred to Rule 5(b)(ii) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, it has not given a categorical view on the same. It has only made a reference to it as a passing remark.

70. In fact, the decision of the Hon-ble Supreme Court in the above case, is also not an authority to infer a ratio that in every case of corruption, the Government has to perforce and mandatorily refer the case to Disciplinary Proceedings Tribunal for framing charges.

...

76. Rule 5(b)(i) and Rule 5(b)(ii) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 are reproduced below for sake of clarity:~

Rule 5(b)(i)	Rule 5(b)(ii)
Notwithstanding	In exercising the power



Rule 5(b)(i)	Rule 5(b)(ii)
anything contained in Rule 4, the Government shall after consulting the head of the Department concerned, if necessary, decide whether the case shall be tried in a Court of law or by the Tribunal or by the Departmental Authority concerned.	conferred by Clause (i), the Government shall have regard to~ (a)the nature and gravity of the charge; (b)the grade or rank of the Officer charged; and (c)any other circumstances relevant to the case.

77. Thus, a cumulative reading of the provisions of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 makes it clear that although the word ~~shall~~ has been used in Rule 4(1), a reference to the Disciplinary Proceedings Tribunal need not be made mandatory even if ~~corruption~~ is involved.

78. Further, the decision was rendered by the Hon-ble Supreme Court in D.Subramanyan Rajadevan-s case (cited supra) on 09.07.1996 in respect of the alleged delinquency committed by the said delinquent therein between 05.06.1985 and 15.06.1986 in respect of which, Charge Memo dated 21.11.1989 was issued by the Disciplinary Proceedings Tribunal. Rule 8B was inserted in Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 vide G.O.Ms.No. G.O.(Ms) No.188, Personnel and Administrative Reforms (N) Department dated 08.06.1995. The aforesaid Rule was also not there when the charges were framed 21.11.1989 against the said delinquent in the said case.

79. Further, Rule 8A and Rule 8B of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 make it clear that even after a reference is made to the Disciplinary Proceedings Tribunal, the case can be withdrawn



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by the Government, at a later point of time for further action by the Head of the Department under whom the delinquent was serving at the time of the reference to the Disciplinary Proceedings Tribunal.

80. As per Rule 8A of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, the Government may, by order in writing, withdraw any case referred to a Tribunal under the aforesaid Rules and pending before that Tribunal and transfer such cases to another Tribunal for enquiry and the Tribunal to which the case is so transferred may, subject to special directions in the order to transfer, proceed either *denovo* or from the stage at which the case was so transferred.

81. As per Rule 8B of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, the Government may, by an order in writing, withdraw at any stage any case referred to a Tribunal under these rules and pending before that Tribunal. After such withdrawal, the Government shall pursue further action in respect of State Service Officers and shall entrust the cases of Subordinate Service Officers to the Heads of Departments concerned for further action. The Government, or the Head of Department, as the case may be, may proceed with further action either *denovo* or from the stage at which the case was so withdrawn from the Tribunal, and pass final orders.

82. Rule 8A & 8B of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 are reproduced below for the sake of clarity:~

Extract from Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955	
Rule 8A	Rule 8B
The Government may,	Government may, by an



Extract from Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955

by order in writing, withdraw any case referred to a Tribunal under these rules and pending before that Tribunal and transfer such cases to another Tribunal for enquiry and the Tribunal to which the case is so transferred may, subject to special directions in the order to transfer, proceed either denovo or from the stage at which the case was so transferred.	order in writing, withdraw at any stage any case referred to a Tribunal under these rules and pending before that Tribunal. After such withdrawal the Government shall pursue further action in respect of State Service Officers and shall entrust the cases of Subordinate Service Officers to the Heads of Departments concerned for further action. The Government, or the Head of Department, as the case may be, may proceed with further action either denovo or from the stage at which the case was so withdrawn from the Tribunal, and pass final orders.
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83. Thus, even if a reference was made to the Tribunal, the Government can at any time withdraw the reference made to the Tribunal at any stage of the case and after such withdrawal, the Government shall pursue further action in respect of State Service Officers and shall entrust the cases of Subordinate Service Officers to the Heads of Departments concerned for further action. The Government, or the Head of Department, as the case may be, may therefore proceed with further action either de novo or from the stage at which the case was so withdrawn from the Tribunal, and pass final orders.



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84. *Though both the Appellant/Respondent and the Respondent/Writ Petitioner are governed by the provisions of the Tamil Nadu Civil Services (Disciplinary Proceeding Tribunal) Rules, 1955, it is not mandatory for the Government to refer the case to the Disciplinary Proceedings Tribunal.*

85. *The decision of the Hon-ble Supreme Court in D.Subramanyan Rajadevan-s case (cited supra) has not considered Rule 8B of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, which was inserted later vide G.O.(Ms) No.188, Personnel and Administrative Reforms (N) Department dated 08.06.1995. Thus, the Hon-ble Supreme Court in D.Subramanyan Rajadevan-s case (cited supra) had no occasion to consider these Rules.*

86. *A reading of the aforesaid Rules indicates that there is certain amount of flexibility as to the cases whether a reference has to be made by the Government to the Disciplinary Proceedings Tribunal and even if reference is made as to whether the case should still be continued by the Tribunal.*

87. *Though Rule 8A of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 was there when the aforesaid decision of the Hon-ble Supreme Court in D.Subramanyan Rajadevan-s case (cited supra) was rendered on 09.07.1996, Rule 8B which was thus inserted to the aforesaid Rules vide G.O.(Ms) No.188, Personnel and Administrative Reforms (N) Department dated 08.06.1995 was not considered by the Hon-ble Supreme Court.*

88. *The Hon-ble Supreme Court in Secretary to Government of Tamil Nadu Vs. D.Subramanyan Rajadevan, AIR 1996 SC 2634, has referred to only Rule 8 of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955*



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eventhough, the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, had been amended when it rendered its decision on 09.07.1996.

89. Rule 8 of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 refers to the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 and not to Madras Civil Services (Classification, Control and Appeal) Rules, 1953.

90. If Rule 4(1) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955 is read harmoniously with Rule 8A and Rule 8B of the aforesaid Rules which inserted in the year 1995 vide G.O.(Ms) No.188, Personnel and Administrative Reforms (N) Department dated 08.06.1995, it is clear that even if a reference was made to the Disciplinary Proceedings Tribunal by the Government under Rule 4(1), the Government can at any stage withdraw the case referred to the Tribunal and entrust the case to the Head of the Department concerned for further action. Thereafter, the proceedings can either start from the stage at which the case was withdrawn from the Disciplinary Proceedings Tribunal or afresh de novo.

91. Thus, it is not mandatory for the Government to refer every case of corruption to the Disciplinary Proceedings Tribunal. Further, reference to the Disciplinary Proceedings Tribunal will necessarily entail longer period of retention of a delinquent in service. Therefore, to obviate such an eventuality, disciplinary proceedings can be initiated by the Head of the Department and completed in accordance with the provisions of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 without reference to the Disciplinary Proceedings Tribunal, if the corruption case has no other implication on members of the service.



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92. *This is also evident from a reading of Rule 4(2) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, as per which, the Government shall have regard to the nature and gravity of the charge, the grade or rank of the Officer charged and the organisational strength of the Department concerned in handling case involving interpretation of rules regulating conditions of Service of Government Servants. A similar flexibility is noticed under Rule 5(1) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955."*

Therefore, the legal position has been exhaustively discussed and decided by the said Division Bench judgment in **M.Rameshkumar** (cited *supra*) case and we are in complete agreement with the said view taken by the Coordinate Bench of this Court.

7.6. Therefore, the said ground of non-reference to the Tribunal of the cases involving corruption, being the sole ground of quashing the charge memo issued by way of initiating Disciplinary Proceedings by the Disciplinary Authority in the case in hand, as has been decided by the learned Judge through the impugned order, is an erroneous approach. Accordingly, to that extent, we clarify that the impugned judgment of the Writ Court is erroneous, thereby, the charge memo ought not to have been quashed on that sole ground alone.



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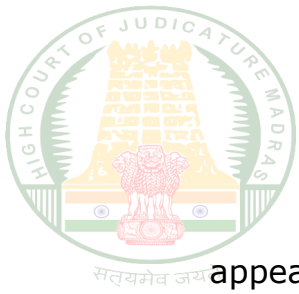
8.1. Coming to the arguments of *Mr.L.Chandrakumar*, learned counsel for the respondent/writ petitioner, citing Rule 9 of the 1978 Rules is concerned, it is to be noted that in the year 2017, the respondent/writ petitioner has superannuated, however, he was not permitted to retire. Therefore, after his superannuation, since the Disciplinary Proceedings have been initiated by issuance of charge memo dated 24.12.2018, such proceedings can be possible to be made only by invoking Rule 9 of the 1978 Rules.

8.2. In this context, if we look at Rule 9(b)(2)(a)(ii) of the 1978 Rules, which reads thus:-

"9(b)(2)(a)(ii) shall not be in respect of any event which took place more than four years before such institution."

Here in the case in hand, the alleged occurrence was in the year February, 2009. The respondent/writ petitioner superannuated in the year 2017 and the proceedings were initiated only on 24.12.2018, therefore, it is beyond four years' period. Hence, even under Rule 9 of the 1978 Rules, such Disciplinary Proceedings cannot be initiated and on that ground, the charge memo impugned before the Writ Court is liable to be interfered with.

9. Resultantly, the following orders are passed in this writ



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appeal:-
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(i) That, insofar as the ground on which the writ petition was allowed by the Writ Court through the impugned order is concerned, the view expressed by the Writ Court in this regard, touching upon Rule 4 of the Tribunal Rules, 1955, is erroneous and therefore, on that ground, since the charge memo ought not to have been quashed by the Writ Court, to that extent, the order passed by the Writ Court through the impugned order is hereby set aside and the legal position is accordingly clarified.

(ii) However, in view of Rule 9(b)(2)(a)(ii) of the 1978 Rules, the Disciplinary Proceedings initiated under Rule 3(b) in P.R.No.9/2018 dated 24.12.2018 cannot be permitted to be proceeded, therefore, the said charge memo is liable to be interfered on that ground and accordingly, it is quashed. To that extent, the writ petition is to be allowed and accordingly, is allowed.



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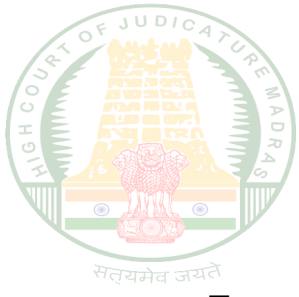
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10. The legal position since has been clarified as stated *supra*, the instant appeal, accordingly, is disposed of. However there shall be no order as to costs. Consequently, C.M.P.No.23065 of 2023 is closed.

(R.S.K., J.) (P.D.B., J)
06.08.2025

Speaking Order
Index:Yes
Internet:Yes
Neutral Citation:Yes

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To:

1. The Additional Director General of Police
Crime, Chennai – 8.



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R. SURESH KUMAR, J.
AND
P. DHANABAL, J.
(drm)

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