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W.P No. 40446 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 40446 of 2016

and M.P.No. 34514 of 2016

P.Rajendran

..Petitioner

Vs

1.The Director General of Police,
Chennai-4.

2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Vellore Range,
Vellore.

3.The Superintendent of Police,
Vellore District.

4.The Additional Chief Secretary to Government,
Home (Pol.IV) Department,
Fort St. George, Chennai-600009.
(R4 impleaded vide order of this Court dated 20.11.2025)

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, Calling for records relating to proceedings in Rc.No. 082659/AP.2(2)/2015 dated 12.07.2016 on the file of the 1st respondent and proceedings in C.No. B2/AP.77/2014 dated 17.03.2015 on the file of the 2nd respondent and proceedings in Na.Ka.No. H2(1)/P.R.



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127/2014 dated 22.09.2014 on the file of the 3rd respondent and quash the same and direct the respondents to award all consequential benefits and pass such other order or orders.

For Petitioner : Mr. M.S. Soundara Rajan

For Respondents : Mrs. R.L. Karthika, GA

ORDER

The challenge in this writ petition is to the order dated 17.03.2025 passed by the second respondent bearing No. Na.Ka.No.H2(1)/P.R.127/2014. By the said order, the punishment imposed by the third respondent, namely postponement of increment for one year without cumulative effect, was modified and substituted with the punishment of censure.

2. The petitioner, while working as Inspector of Police, Vellore Taluk Police Station, was issued with a charge memo dated 08.08.2014, alleging gross negligence of duty in having failed to produce the CD files of Vellore Taluk Police Station for review during the visit of the Superintendent of Police, Vellore District, on 10.06.2014, and also for having failed to extract work from his subordinates with regard to the completion of investigation in cases under Section 174 Cr.P.C., as well as the maintenance of station records and CD files of Vellore Taluk Police Station.



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3. The petitioner submitted his explanation denying the said charges. The third respondent, after considering the show cause notice and the explanation submitted by the petitioner, passed an order imposing the punishment of postponement of increment for a period of one year, which was challenged before the second respondent. The second respondent, by the impugned order, modified the punishment to that of censure. Taking exception to the same, the present writ petition has been filed.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents, and perused the documents placed on record.

5. Though in the show cause notice dated 08.08.2014 the petitioner was called upon to show cause as to why a minor punishment should not be imposed, the third respondent had already arrived at a conclusion in the said notice itself that the charges against the petitioner stood proved. This clearly indicates a predetermined mind on the part of the third respondent, rendering the proceedings arbitrary, discriminatory, and in violation of the principles of natural justice.



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6. In any event, the order passed by the third respondent imposing the punishment of postponement of increment for one year discloses that, although the explanation submitted by the petitioner was recorded, the same was not considered in a meaningful manner. The authority neither accepted nor rejected the explanation explicitly and merely stated that it was not admissible, on the ground that no documents were produced to show that the cases were sent to the District Crime Records Bureau, Vellore, or that instructions had been issued to the staff of Vellore Taluk Police Station.

7. The alleged dereliction of duty is trivial in nature. Even the punishment of censure would adversely affect the petitioner's prospects for promotion to the next higher post. In such circumstances, the impugned order passed by the second respondent is not legally sustainable and is liable to be set aside.



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8. Accordingly, the following order is passed:

- i. The writ petition is allowed.
- ii. The impugned order passed by the second respondent imposing the punishment of censure, as well as the order passed by the third respondent imposing the punishment of postponement of increment for one year, are held unenforceable against the petitioner and shall not be given effect to. Both the orders are hereby set aside.
- iii. Consequently, the connected Miscellaneous Petitions are closed.

There shall be no order as to costs.

18.12.2025

Index : Yes

Internet : Yes

Neutral Citation : Yes/No

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HEMANT CHANDANGOUDAR, J.

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