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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. 40447 of 2016

and M.P.No. 34515 of 2016

P.Rajendran

..Petitioner

Vs

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

2. The Additional Director General of Police,
Law & Order,
Chennai-600004.

3.The Deputy Inspector of Police,
Villupuram Range,
Villupuram.

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 the records relating to proceedings in Rc.No. 150651/API(2)/2013 dated 07.08.2014 on the file of 2nd respondent and the proceedings in R.O.No.172/2013 C.No.

B2/PR.10/2013 dated 29.05.2013 on the file of 3rd respondent and proceedings in G.O. (D) No.1165 Home (Pol-IV) Department dated 14.09.2017 and G.O.



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(D) No.42 Home (Pol-IV) Department dated 10.01.2019 on the file of 4 respondent and quash the same and direct the respondents to treat suspension period on duty and award all other consequential benefits by including his name in the appropriate place in the panel for the year 2013-14 for Deputy Superintendent of Police and grant promotion with all attendant benefits.

For Petitioner : Mr. M.S. Soundara Rajan

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

ORDER

The present writ petition challenges the order dated 07.08.2014, bearing R.C. No.15065/API(2)/2013, passed by the second respondent. By the said order, the second respondent modified the punishment imposed by the third respondent, namely postponement of increment for a period of three years with cumulative effect, and reduced it to postponement of increment for a period of one year without cumulative effect.

2. The petitioner, while working as an Inspector of Police, was issued with a charge memo dated 10.07.2012 alleging that he had failed to prevent gambling activities within the limits of Ulundurpet Police Station and that he had been receiving a sum of Rs.10,000/- per month as gratification to permit the accused, namely Singaravel, to run a gambling club at a place known as M.S. Thakka.

3. It was further alleged that, on account of the said acts of omission and



commission, a Special Team consisting of the Kallakurichi Sub-Divisional Officer, headed by the District Superintendent of Police, conducted a raid on 10.06.2012, busted large-scale gambling activities, arrested 27 persons, and seized vehicles. It was also alleged that the petitioner demanded a sum of Rs.10,000/- from the owners of the seized vehicles for releasing the same.

4. The petitioner submitted his explanation denying the charges. As the third respondent was not satisfied with the explanation, a departmental enquiry was ordered. The Enquiry Officer, after conducting the enquiry, submitted a report holding that Charge No.1 stood proved. A second show-cause notice was issued to the petitioner, to which he submitted his further explanation. Thereafter, the third respondent, upon consideration of the enquiry report and the further explanation, imposed the punishment of postponement of increment for a period of three years with cumulative effect. Aggrieved by the said order, the petitioner preferred an appeal before the second respondent. The second respondent, by the impugned order, modified the punishment to postponement of increment for a period of one year without cumulative effect. Taking exception to the same, the present writ petition has been filed.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents, and perused the materials placed on record.



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6. The enquiry report, in relation to the first charge, reveals that the prosecution examined three witnesses, namely PW1 to PW4, and marked documents Exs.P1 to P3, namely, Ex.P1 – Charge Memo; Ex.P2 – Preliminary Investigation Report; and Ex.P3 – FIR registered against the accused for running gambling activities. PW2, the main accused, categorically stated that he had not made any statement during the preliminary enquiry alleging that the petitioner received a gratification of Rs.10,000/- per month for permitting him to carry on gambling activities. PW3, Saravana Kumar, Deputy Superintendent of Police, deposed that he had not recorded any statement from the accused to the effect that the petitioner received illegal gratification for permitting gambling activities. PW1 and PW4, who assisted PW3 during the preliminary investigation, did not elicit any material in their examination to substantiate Charge No.1 against the petitioner.

7. The Enquiry Officer failed to advert to the depositions of PW1 and PW4 and placed reliance only on the depositions of PW2 and PW3, who, in fact, did not support the case of the prosecution. Despite the absence of supporting evidence, the Enquiry Officer proceeded to hold Charge No.1 as proved solely on the basis of the preliminary investigation report. Such a finding is erroneous and contrary to the settled principles governing departmental enquiries. In particular, when PW2 categorically stated that no



such incriminating statement was recorded from the accused, the Enquiry

Officer ought not to have relied upon the preliminary investigation report to hold the charge as proved. The finding that Charge No.1 stood proved is therefore unsupported by any cogent evidence and is wholly unsustainable.

8. The preliminary investigation could only have formed the basis for the initiation of the disciplinary proceedings and issuance of the charge memo. It could not, by itself, constitute substantive evidence for holding that the charge stood proved, particularly in the absence of any legally acceptable and cogent evidence adduced during the departmental enquiry to substantiate the allegations levelled against the petitioner. In the present case, when none of the prosecution witnesses supported the allegations and no material evidence was brought on record to establish the charge, reliance solely on the preliminary investigation report to record a finding of guilt is impermissible in law and is contrary to the settled principles governing departmental enquiries.

9. In view of the foregoing, this Court is of the considered opinion that Charge No.1 against the petitioner has not been proved, and that the second and third respondents erred in accepting the enquiry report. Consequently, the impugned orders are not legally sustainable and are liable to be set aside.



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10. Accordingly, the writ petition is allowed.

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i. The impugned order passed by the second respondent modifying the punishment to postponement of increment for a period of one year without cumulative effect, as well as the order passed by the third respondent imposing the punishment of postponement of increment for a period of three years with cumulative effect, are held unenforceable against the petitioner and shall not be given effect to. Both the orders are hereby set aside.

ii. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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Index : Yes
Internet : Yes
Neutral Citation : Yes/No
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HEMANT CHANDANGOUDAR, J.

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