



WEB COPY

W.A.No.209 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 209 of 2024
and CMP No.1230 of 2024

1.The Superintendent of Police,
Office of the Superintendent of Police,
Cuddalore, Cuddalore District.

2. The Director General of Police,
Office of the Director General of Police,
Kamarajar Salai, Kailasapuram,
Mylapore, Chennai 600 005.

... Appellants

Vs.

M.Manibalan

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.17366 of 2018 dated 14.06.2022.

For Appellant : Mr.P.Kumaresan, Addl. Advocate General
Asst. By Mr.P.Anandha Kumar,
Government Advocate

For Respondent : Mr.T.Thirumoorthi
For Mr.P.R.Thiruneelakandan



J U D G M E N T

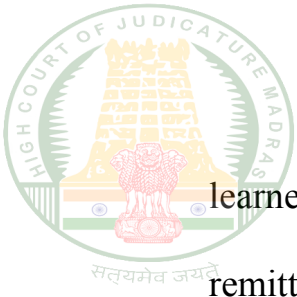
(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

WEB COPY Aggrieved by the order of the learned Single Judge quashing the punishment of removal from service and remitting the matter for fresh consideration with a direction to reduce the punishment, the State is on Appeal.

2. The respondent who was working as a Grade II Police Constable was Charge sheeted for two delinquencies viz. unauthorized absence from duty for 21 days and involvement in a Criminal Case. An Enquiry Officer was appointed and he concluded that both the charges have been proved. On the basis of the Enquiry Report, the punishment of removal from service was imposed.

3. Upon challenge, the learned Single Judge concluded that, as far as the second charge is concerned, it was covered by the finding of the Criminal Court where the delinquent employee was acquitted. As far as the first charge viz. unauthorised absence, the learned Single Judge felt that though it was held to be proved punishment of removal from service for the delinquency is shockingly disproportionate. On the said conclusion, the

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learned Single Judge allowed the Writ petition, quashed the punishment and remitted the matter to the Authorities for imposition of a lesser punishment.

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4. Mr.Kumaresan, learned Additional Advocate General appearing for the appellant would vehemently contend that there is no discretion left with the Disciplinary Authority in terms of Rule 3(b) of the Tamil Nadu Police Subordinate Services Discipline & Appeal Rules. According to the learned Additional Advocate General, the effect of Rule 3(b) of the Tamil Nadu Police Subordinate Services Discipline & Appeal Rules is that the only punishments mentioned in Clauses (d), (h), (i) and (j) of Rule 2 could be imposed, if the Department conducts an enquiry. We are unable to sustain the contention of the learned Additional Advocate General.

5. Rule 2 of the Tamil Nadu Police Subordinate Services Discipline & Appeal Rules, sets out the penalties that could be imposed on any member of the service. Rule 3 sets out the procedure to be followed if a minor penalty that is penalties mentioned in Clauses (a), (b), (c), (e) and (f) of Rule 2 are to be imposed and Rule 3(b) of the Tamil Nadu Police Subordinate Services Discipline & Appeal Rules sets out the procedure to be followed if the Disciplinary Authority proposes to impose a major



penalty that is penalty specified with Clauses (d), (h), (i) and (j) of Rule 2.

These Rules are akin to Rule 17(a) and 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. A minor penalty is proposed to be imposed, the procedure for conducting an enquiry can be weighed. Merely because an enquiry has been conducted, it does not mean that only the penalties that are set out in Clauses (d), (h), (i) and (j) of Rule 2 of the Tamil Nadu Police Subordinate Services Discipline & Appeal Rules could be imposed. Even after conducting an enquiry depending upon the nature of the delinquency, it will be open to the Disciplinary Authority to impose a lesser punishment also.

6. As rightly pointed out by the learned Single Judge, the delinquency is only unauthorised absence for a period of 21 days. That by itself cannot invite a major penalty of removal from service. Moreover, the delinquent had completed only four years of service as a Constable Grade II, at the time when he was charge sheeted. We therefore find that the penalty is disproportionate and we have no reason to interfere with the conclusion of the learned Single Judge on the proportionality.



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7. Adverting to the quantum of punishment that should be imposed, we find that a stoppage of increment for two years without cumulative effect would meet the ends of justice and it will serve as a sufficient deterrent in future.

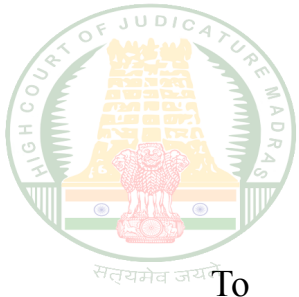
8. Hence, the Writ Appeal is disposed of imposing a punishment of stoppage of increment for a period of two years without cumulative effect. The respondent would be entitled to all other service benefits as if he was in service. The period of suspension shall also be regularised. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)

15.07.2025

jv

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order



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