



W.A.Nos.218 & 262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.Nos.218 and 262 of 2023

T.Saravanan

... Appellant
in both W.As

-Vs-

1. The Inspector General of Police,
Railways,
Chennai - 600 008.

2. The Deputy Inspector General of Police,
Railways,
Chennai -8.

3. The Superintendent of Police,
Railways,
Chennai - 8.

... Respondents
1 to 3 in both W.As

4. The Additional Director General of Police,
(Law & Order),
Chennai - 4.

...4th Respondent in
W.A.No.262 of 2023

COMMON PRAYER : Appeal under Clause XV of Letters Patent, against the common order dated 13.06.2022 made in W.P.No.25954 of 2013 & W.P.No.14488 of 2014.



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For Appellant : Mr.K.Venkataramani, Senior Counsel
in both W.As for Mr.M.Muthappan

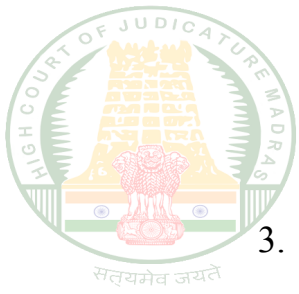
For Respondents : Mr.P.Kumaresan
in both W.As Additional Advocate General
Assisted by Mr.M.Venkateswaran
Special Government Pleader

COMMON JUDGMENT

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

These writ appeals since have arisen out of the common order of the writ Court dated 13.06.2022 made in W.P.No.25954 of 2013 & W.P.No.14488 of 2014, with the consent of the learned counsel appearing for both sides, both the cases were taken up for hearing and disposed of by this common order.

2. The appellant was the Police Constable, against whom disciplinary proceedings were initiated and arising out of the common delinquency, the appellant and another Police Constable, by name, one A.Prabhu had been inflicted with the punishment of stoppage of increment for three years with cumulative effect by the Disciplinary Authority.

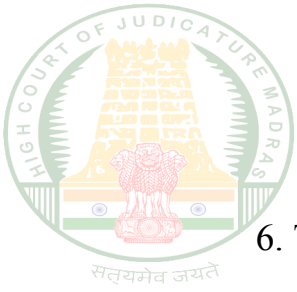


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3. As against which, the appellant as well as the other delinquent filed appeal before the Appellate Authority, where the punishment has been modified into withholding the increment for one year with cumulative effect.

4. As against the said modified punishment only, the present appellant has filed the said two writ petitions which were dismissed by the order impugned dated 13.06.2022 passed by the writ Court.

5. Therefore, in this context, when these appeals were taken up for hearing, Mr.K.Venkataramani, learned Senior counsel appearing for the appellant, on instructions, would submit that, the other delinquent, namely, Prabhu, instead of coming before this Court by filing the writ petition like the present appellant against the modified order of punishment passed by the Appellate Authority, had gone to the Director General of Police by filing a mercy petition which was in fact considered by the Director General of Police and an order was passed by proceedings dated 28.04.2023 whereby the very modified punishment of withholding of increment for one year with cumulative effect itself has been completely set aside by taking a lenient view.



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6. Therefore as far as the co-delinquent is concerned, absolutely there has been no punishment, whereas as far as the present appellant is concerned, even the said modified punishment of one year with cumulative effect since has been approved by the learned Judge through the impugned order dated 13.06.2022, the learned Senior Counsel wants to withdraw these appeals with a liberty to approach the Director General of Police by filing a similar mercy petition.

7. We have also heard Mr.P.Kumaresan, learned Additional Advocate General assisted by Mr.M.Venkateswaran, learned Special Government Pleader appearing for the respondents.

8. Having regard to the said submissions made by the learned Senior Counsel appearing for the appellant, we do feel that, instead of going into the merits of the issue by evaluating the order that has been passed by the writ Court which is impugned herein, these writ appeals can be permitted to be withdrawn by the appellant with the aforesaid liberty. Resultantly, the following orders are passed in these writ appeals:



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(i) that these writ appeals are dismissed as withdrawn with a liberty to the appellant to file a mercy petition before the Director General of Police in respect of the case which was already filed and allowed by the Director General of Police in respect of one A.Prabu, Police Constable, who is the co-delinquent of the appellant, within a period of fifteen days from the date of receipt of a copy of this judgment.

(ii) On such mercy petition is filed, the Director General of Police is hereby directed to consider the same and decide on merits and in accordance with law by taking into account of the lenient view taken by him in respect of the co-delinquent, viz., A.Prabhu in the proceedings of the Director General of Police dated 28.04.2023 in R.C.No.4121671/AP.IV(2)/2023.

(iii) It is further made clear that, while deciding the mercy petition as indicated above, the findings given by the writ Court in the order impugned dated 13.06.2022 shall not stand in the way. However, there shall be no order as to costs.

(R.S.K., J.) (S.S.K., J.)
08.04.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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