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W.A.No.17 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE C. SARAVANAN

W.A.No.17 of 2025

1. Government of Tamil Nadu
Rep. By its Additional Chief Secretary to Government
Home Department, Fort St. George
Chennai – 600 009.
 2. The Superintendent of Police
Thiruvallur District
Thiruvallur District.
- .. Appellants

Vs.

M. Kumaravelu .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent Act,
against the order dated 13.12.2023 made in W.P.No.6348 of 2023.

For the Appellants : Mr.M.Venkateswaran
Additional Government Pleader

For the Respondent : Mr.Balan Haridas

JUDGMENT

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

This intra-Court appeal has been directed against the order
passed by the Writ Court dated 13.12.2023 made in W.P.No.6348 of
2023.



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2. The respondent/writ petitioner was working as Deputy Superintendent of Police in the appellant Department. While so, Disciplinary Proceedings were initiated against him, under which, three Charges were framed. Following the same, a major penalty proceedings was initiated by appointing an Enquiry Officer to enquire into the Charges. The Enquiry Officer, having enquired into the Charges, has given a report stating that Charge Nos.1 and 3 have not been proved and Charge No.2 alone has been proved.

3. Based on the proven Charge, the Disciplinary Authority imposed the punishment of stoppage of increment for one year without cumulative effect by issuing Government Order in G.O. (2D) No.260, Home (Pol.2) Department, dated 23.10.2020 and also a Government Order in G.O. (2D) No.362, Home (Police 2) Department, dated 05.09.2022. Challenging these orders, the respondent/writ petitioner approached the Writ Court and filed the said writ petition, seeking quashment of those orders.

4. The learned Writ Court, having heard the case, has ultimately come to the conclusion that since Charge No.1 is nothing but a failure on the part of the delinquent in not effectively monitoring the Inspector of Police in properly investigating the



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matter and arresting the real culprit in Crime No.36 of 2015. Charge No.2 is that because of the non-effective monitoring on the part of the delinquent, that is the respondent/writ petitioner, the case has been transferred for investigation to the Crime Branch, Criminal Investigation Department, that is CB-CID. The Charge No.3 is that the delinquent received a sum of Rs.1 lakh as bribe for not arresting the real culprit. Among these three Charges, since Charge Nos.1 and 3 have been held to be 'not proved', the question of Charge No.2 having been proved does not arise, because it does not have independent legs to stand.

5. The reason being that Charge No.2, in the nature of the Charge itself, is only consequential to Charge No.1 and when Charge No.1 itself is held to be 'not proven', the question of Charge No.2 to be proved does not rise. Despite the same, since the Enquiry Officer has given a report that Charge No.2 alone having been proved, that having been considered, the learned Writ Court have come to the conclusion, of course rightly, that Charge No.2 does not have any independent legs to stand.

6. The learned Single Judge has also stated the reason that if at all Charge No.3, relating to the alleged bribery or corruption on



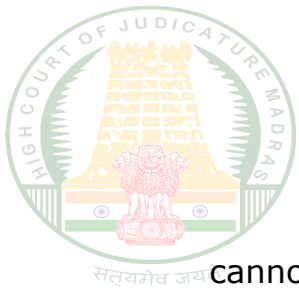
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the part of the delinquent, it would have been referred to the Tribunal for a full-fledged enquiry, which, the appellant employer has failed to do so and having regard to these aspects, the learned Single Judge has come to the conclusion that the punishment that has been imposed upon the delinquent respondent/writ petitioner cannot be imposed, since Charge No.2 does not have to be held proven. Therefore, the learned Single Judge allowed the writ petition through the impugned order.

7. We have heard *Mr.M.Venkateswaran*, learned Additional Government Pleader for the appellants and *Mr.Balan Haridas*, learned counsel for the respondent/writ petitioner.

8. After having gone through the orders passed by the learned Single Judge, which is impugned herein, we are in complete agreement with the view taken by the learned Single Judge. The reason being that, since there are three Charges and out of which Charge No.2 is nothing but a consequential Charge of Charge No.1 and when Charge No.1 since has been declared to be 'not proven', the question of Charge No.2 whether to be proved or not does not arise and therefore, the decision that has been taken by the Enquiry Officer in his report, to state that the Charge No.2 has been proved,



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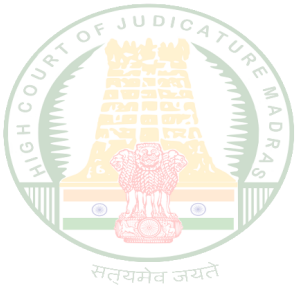
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cannot have any legs to stand independently and therefore, such findings given by the Disciplinary Authority in imposing the punishment for the alleged Charge No.2 having been proved, as stated by the Enquiry Officer, cannot be sustained.

9. Therefore, such view taken by the learned Single Judge cannot be found fault with. Resultantly, we do not wish to interfere with the order impugned herein.

10. That apart, pursuant to the impugned order, the appellant Department has come forward to implement the order, thereby, issuing a Government Order in G.O. (2D) No.222, Home (Police.2) Department, dated 10.07.2024, where, they have passed the following orders:

"7. Accordingly, the Government Order that, the punishment of "Stoppage of increment for one year without cumulative effect" imposed on Thiru. M. Kumaravelu, Deputy Superintendent of Police (Retired), District Crime Record Bureau, Tiruvallur, Tiruvallur District (Formerly Deputy Superintendent of Police, Uthukottai Sub-division, Tiruvallur District) in PR No.20/2017, in the Government Order second and third read above be cancelled, subject to the outcome of the writ appeal to be filed against the orders of the Hon'ble High Court of Madras, dated 13.12.2023 in W.P.No.6348 of 2023."



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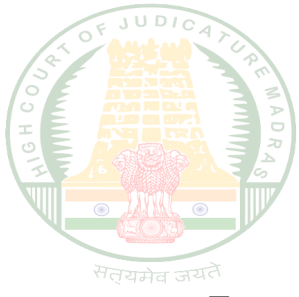
11. Even though it was contended by the learned Additional Government Pleader that the implementation of the order is only without prejudice to the outcome of the writ appeal, that is the instant writ appeal filed by the appellant, that would noway substantiate the case of the appellants in this writ appeal.

12. Resultantly, this appeal fails and accordingly stands dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.72 of 2025 is closed.

(R.S.K., J.) (C.S.N, J)
27.01.2025

Neutral Citation:Yes/No

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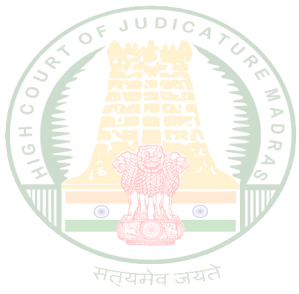


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To:

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R. SURESH KUMAR, J.
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C. SARAVANAN, J.

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