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W.P.No.21977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.21977 of 2025
and
W.M.P.Nos.24726 and 24727 of 2025

A.Arockiyasamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Home (Police.V) Department,
Secretariat, Chennai – 9.

2.The Director General of Police,
Mylapore,
Chennai – 4.

3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

4.The Superintendent of Police,
Railways,
Sivagangai, Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
relating to the impugned punishment order passed by the 4th respondent in his



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proceedings in த.ப.எண்,35/2016 dated 22.06.2018 and the consequential confirmation order passed by the 3rd respondent in his proceedings in ந.க.எண்.பி1/மே.மு.26/2018 dated 28.09.2018 and the consequential modification order passed by the 2nd respondent in his proceedings in Rc.No.112469/AP IV (2)/2019 dated 29.05.2019 and consequential impugned G.O.(D).No.394 Home (Police VI) Department dated 18.03.2024 passed by the 1st respondent and quash the same as illegal and consequently to direct the respondents to promote the petitioner as Head Constable notionally w.e.f., 01.03.2017 with all monetary benefits.

For Petitioner : Ms.Nila for
M/s.Ajmal Associates

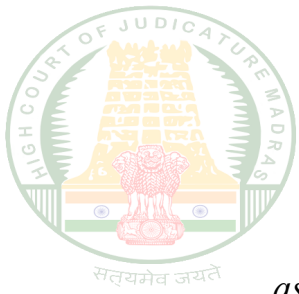
For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the consequential revisional order passed by the 1st respondent.

2. The learned counsel for the petitioner would submit that he was issued with a Charge Memorandum dated 22.12.2016 upon the following charges:-

(a)During my tenure at Railways, Trichy having acquired a vacant site worth Rs.44,500/- from his father



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as on 27.07.2011 without getting prior permission from the department and thereby violated Rule 7(1)(a) of the TN Government Servants Conduct Rules 1973.

(b)Without getting prior permission from the Department availed a loan from LIC and constructed a building worth of Rs.15 Lakhs and thereby violated Rule 7(1)(b) of the TN Government Servants Conduct Rules 1973.

(c)Reprehensible conduct in having pursued and completed B.Ed (Teacher Training) regular course in Sivagangai, Rosline College without obtaining permission from the Superintendent of Police, Railway, Trichy through obtained permission from the Superintendent of Police, Sivagangai District earlier for completing the same degree course through Distance Education and thereby violated the TN Government Servants Conduct Rules 1973.

3. In pursuance thereof, a departmental enquiry was conducted on 22.06.2018 and an impugned punishment of stoppage of increment for a period of two years without cumulative effect was ordered on 22.06.2018. When the petitioner preferred an Appeal, the same was dismissed. However, the Revisional Authority, through the impugned order, has modified the punishment to withholding of increment for one year without cumulative effect.

4. Aggrieved by the same, the petitioner has approached this Court.



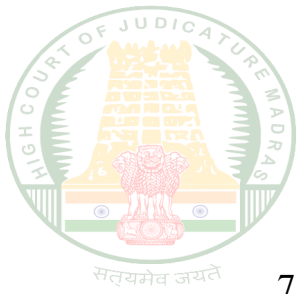
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According to the petitioner, though three charges were framed, only the 1st charge is not proved, whereas, in respect of 2nd and 3rd charges, the petitioner had given an explanation to the authorities concerned.

5. It is the submission of the petitioner that though there is a charge that he obtained a loan of Rs.15 lakhs without obtaining proper permission in violation of Rule 7(1)(b) of the Tamil Nadu Government Servants Conduct Rules, 1973, his application for providing a salary slip, has clearly mentioned that he require the salary slip to get the loan.

6. Therefore, it is his submission that the petitioner has informed about the loan. Therefore, the finding that he did not obtain permission to get loan is contrary to the factual position. Apart from that, the learned counsel submits that he also obtained permission for joining B.Ed [Teacher Training] under the distance mode. However, when he joined the college, he came to know that the B.Ed. degree would only be obtained through regular mode. Therefore, even for the further study, he had obtained permission, but his only lapse is that, he did not mention the mode of education.



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7. The learned counsel submits that the entire disciplinary action was initiated only due to the vindictive attitude of one Kalanjiyam, against whom the petitioner had given a complaint.

8. It is a well-settled principle of law that the power of judicial review is very much limited and can be exercised with great care and caution. Judicial review is not like an appellate remedy to re-appreciate the entire evidence; In this regard, this Court would like to refer the following judgements:-

(i) *B.C.Chaturvedi Vs. Union of India* reported in (1995) 6 SCC 749

(ii) *Deputy General Manager (Appellate Authority) Vs. Ajai Kumar Srivastava* reported in (2021) 2 SCC 61.

(iii) *The Indian Oil Corporation & Ors., Vs. Ajit Kumar Singh & Anr.*, reported in 2023 LiveLaw (SC) 478.

Through the above judgements, the following principles are emerging:-

(i) Power of Judicial review is not like an appeal. But such power is meant to ensure that the individual receives fair treatment and the compliance of natural justice.

(ii) The power of judicial review is not like a appellate



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remedy to substitute its own finding, unless the findings of the Original Authority and Appellate Authority is perverse and without evidence.

(iii) The High Court had no jurisdiction to review the penalty, unless the same is shockingly disproportionate.

(iv) The mere possibility to arrive at yet another finding, cannot be a reason to substitute the finding of the disciplinary Authority.

(v) The judicial review is meant only to ensure fairness in treatment and not to ensure fairness of conclusion.

(vi) While exercising the power of judicial review, so long as there is some evidence to support the conclusion arrived at by the original authority, the same has to be sustained.

9. From the submissions of the learned counsel for the petitioner, it would only suggest for arriving at a different conclusion that the authority knew about the petitioner's loan while they issued the salary certificate. But according to the conduct rules, he must get express permission and not the information. As far as the permission for obtaining education through



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distance mode would absolutely not suffice for a regular mode of education.

Even for the argument sake, if the contentions of the petitioner that the permission granted for distance mode is sufficient, are taken into consideration, there is no way to change the findings rendered by the disciplinary authority, as the authority found that the petitioner must have not attend duty effectively, and this Court absolutely does not find any perversity over the said finding.

10. Further, from the submission of the petitioner itself, there is abundant evidence that the conclusion arrived at by the disciplinary authority as well as the appellate authority is based upon the available documents. While perusing the orders of the disciplinary authority, appellate authority, and revisional authority, this Court could not find any perversity. Hence, there is no merits in this writ petition.

11. In the result, this writ petition is dismissed. No costs.



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Consequently, connected Writ Miscellaneous Petitions are closed.

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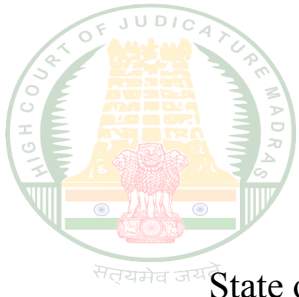
Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1.The Principal Secretary to Government,

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C.KUMARAPPAN, J.

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