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W.P No.24944 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.24944 of 2025

and

Writ Miscellaneous Petition No.28101 of 2025

S.Gnanaprakasam

... Petitioner

..Vs..

1.The Director General of Police,
Head of Police Force,
Mylapore, Chennai – 600 004.

2.The Superintendent of Police,
Chengalpet District.

3.The Deputy Superintendent of Police,
Maduranthagam Sub Division,
Chengalpet District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 22.05.2025 in C.No.J1/PR.35/2024 D.O.No.231/2025 under Rule 3 (b) of TNPSS (D&A) Rule 1955 passed by the 2nd respondent and quash the same, consequently, direct the respondents to reinstate the petitioner as constable, Grade-II, in the respondent office.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.N.Naveen Kumar, Government Advocate



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ORDER

The instant writ petition has been filed, challenging the order of the capital punishment of dismissal from service imposed against the petitioner with effect from 21.05.2025.

2.The learned counsel appearing on behalf of the petitioner would submit that the charge imposed against the petitioner is very trivial in nature as the petitioner used filthy language against his higher officials. Therefore, according to the petitioner, the punishment is shockingly disproportionate. Hence prays to interfere with the same.

3. Per contra, the learned Government Advocate appearing on behalf of the respondents would strongly object the said contention and submits that the petitioner has suppressed the material factum of filing the appeal before the Appellate Authority on 09.06.2025 and therefore, the petitioner cannot have a parallel proceedings before the Writ Court. Hence prayed to dismiss the present writ petition.

4. I have given my anxious consideration on either side submissions and also perused the materials available on record.



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5. Admittedly, the petitioner preferred an appeal before the Appellate Authority on 09.06.2025 and the same is pending. Whenever, an appellate remedy is provided, interference, under Article 226 of the Constitution of India is not possible unless, the triple principle as enunciated by the ***Whirlpool Corporation vs. Registrar of Marks***, reported in ***(1998) 8 SCC 1*** is met with. In the case on hand, the petitioners only grievance is the punishment is shockingly disproportionate punishment, the same can be adjudicated by appellate authority.

6. Hence the present writ petition is dismissed. However, since the petitioner has already filed an appeal before the Appellate Authority, the Appellate Authority is directed to dispose of the appeal as expeditiously as possible in accordance with law, without being influenced by any of the observations made in the present writ petition. No costs. Consequently, the connected miscellaneous petition stands closed.

10.07.2025

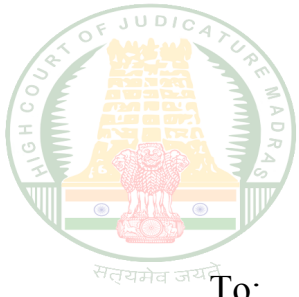
ssi

Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

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C. KUMARAPPAN, J.

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