



WEB COPY



W.P.No.23116 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23116 of 2025 and
WMP No.25974 of 2025

A.R.Vigneshwaran

.....

Petitioner

-Vs-

1. The Deputy Inspector General of Police,
Office of Deputy Inspector General of Police,
Kancheepuram Range, Kanchipuram.

2. The Superintendent of Police,
Kanchipuram District.

.....

Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned orders issued by the respondents 1 & 2 in Na.Ka.No.B2/8104030/2024 dated 26.09.2024 and C.No.J1/PR.No.13/2023, D.O.No.343/2024 dated 14.05.2024 respectively and quash the same and further direct the respondents to reinstate the petitioner into service with all service and monetary.

For Petitioner : Mr.Dineshkumar
for Dhineshkumar Associates

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

ORDER

This writ petition has been filed challenging the orders passed by the respondents 1 & 2, in Na.Ka.No.B2/8104030/2024, dated 26.09.2024 and C.No.J1/PR.No.13/2023, D.O.No.343/2024, dated 14.05.2024, respectively.

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2.The case of the petitioner is that he was appointed as Grade II police constable. While being so, his mother and father were suffering with so many health ailments. On 09.06.2023, his mother fell down and suffered with fracture, hence, the petitioner, who was the only person to look after his parents, attended the hospital duty as attendant to his mother and as such, he was forced to take leave from 09.06.2023 to 06.08.2023. Further, after expiry of the medical leave, he could not join duty and requested to extend the leave. However, he was not extended with the leave and he was served with a charge memo under Rule 3 (b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. After completion of enquiry, on the basis of the enquiry report, the petitioner was imposed with the punishment of postponement of the increment for one year with cumulative effect by the second respondent. Aggrieved by the same, the petitioner had not preferred any appeal, however, the first respondent had *suo motu* taken the matter and issued show cause notice to the petitioner seeking explanation. Even after the receipt of explanation by the petitioner, the first respondent imposed the punishment of removal from service.

3.The learned counsel for the petitioner submitted that the punishment of removal from service is disproportionate to the charge. The petitioner attended his mother's hospital duty while she suffered with fracture and also other

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ailments since there is no one to look after his parents except the petitioner.

The petitioner did not even file appeal as against the order of punishment and accepted the punishment imposed by the second respondent. Even then, the first respondent *suo motu* issued show cause notice and imposed the punishment of removal from service, which is against the circular issued by the Director General of Police, dated 06.12.2007.

4.A perusal of the counter filed by the first respondent and the submissions made by the learned Additional Government Pleader appearing for the respondents reveal that the petitioner was unauthorizedly absent for his duty on 18.09.2016 to 19.09.2016. Therefore, the petitioner was served with charge memo under Rule 3 (a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. The petitioner was imposed with a punishment of Black Mark. Thereafter, the petitioner had applied casual leave for two days from 24.10.2016 and 25.10.2016, but he failed to join the duty on 26.10.2016. Further, he was absent for duty for 21 days continuously, therefore, the petitioner once again was issued with charge memo under Rule 3 (b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. He was imposed with the punishment of postponement of increment for one year without cumulative effect. Once again, the petitioner, without any permission or intimation, was absent for duty from 19.03.2017 to 08.04.2017 and he was

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served with charge memo under Rule 3 (b) of the Tamil Nadu Police

Subordinate Service (Discipline and Appeal) Rules. After enquiry, he was imposed with punishment for two years with cumulative effect. Once again, he applied leave for 15 days for his sister's marriage, but, he was granted leave only for 7 days from 15.05.2019 to 21.05.2019. Thereafter, he reported to duty only on 30.05.2019. Hence, once again the petitioner was issued with show cause notice and imposed with the punishment of confirmation of Black Mark. Again the petitioner was absent for duty for 21 days from 09.06.2023. Therefore, he was issued with notice and served with charge memo under Rule 3 (b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. The petitioner was imposed with the punishment of postponement of increment for one year with cumulative effect. Since the petitioner was absent for the fifth time from duty, the first respondent had taken the matter *suo motu* and removed him from service.

5.But, as per the circular dated 06.12.2007, issued by the Director General of Police, removal from service for the delinquency of desertion would be disproportionate and as such removal/dismissal from service or compulsory retirement should not be imposed and any other punishment can be imposed in respect of desertion cases.



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6. In view of the above, the order of punishment imposed on the petitioner by removing him from service cannot be sustained and is liable to be set aside, and accordingly, it is set aside. The petitioner is imposed with a punishment of postponement of increment for two years with cumulative effect on condition that if the petitioner commits desertion in future, then the order of punishment imposed by the first respondent, dated 26.09.2024, would stand automatically revived without any further orders.

7. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

24.11.2025

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

1. The Deputy Inspector General of Police,
Office of Deputy Inspector General of Police,
Kancheepuram Range, Kanchipuram.
2. The Superintendent of Police,
Kanchipuram District.



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G.K.ILANTHIRAIYAN. J,

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