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W.P No.25064 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.25064 of 2025

and

Writ Miscellaneous Petition Nos.28233 & 28234 of 2025

S.Manoj Kumar

... Petitioner

..Vs..

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

2.The Commandant TSP VII Battalion,
Pochampalli,
Krishnagiri District 635 206.

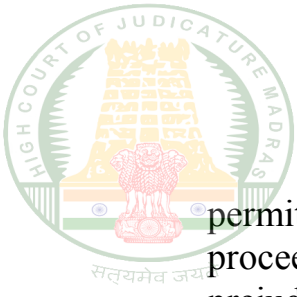
... Respondents

3.The Secretary to Government,
Home Department,
Chennai – 9.

... Suo motu impleaded respondent

(R3 suo motu impleaded as per the order of
this Court vide order dated 10.07.2025)

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 relating to the impugned order passed by the 2nd respondent in Letter PR No.E1/PR-12/2020 dated 31.07.2020 and the consequential order passed by the 1st respondent in his proceedings in RC.No.001534/AP.3(1)/2021 dated 09.12.2022 and quash the same and consequently, to direct the respondents to



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permit the petitioner to participate in the Sub-Inspector Recruitment proceedings for Departmental Officers to be held in 2025-26, without prejudice to the pendency of this Writ Petition, within a reasonable period as may be fixed by this Court.

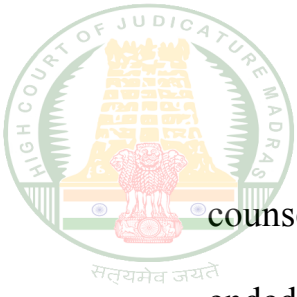
For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.G.Nanmaran,
Special Government Pleader

ORDER

The instant writ petition has been filed, challenging the order of the Disciplinary Authority dated 31.07.2020 and the order of the Appellate Authority dated 19.12.2020.

2. The learned counsel appearing on behalf of the petitioner would submit that the petitioner was imposed with a punishment of withholding of increment for two years without cumulative effect. It is the contention of the learned counsel for the petitioner that the Disciplinary Authority as well as the Appellate Authority did not follow the natural justice and the order has been passed without taking into consideration of the material evidence, which had been in favour of the petitioner. It is the further submission of the learned

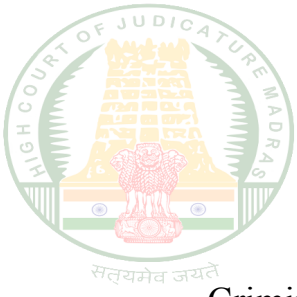


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counsel that the criminal case, which has been filed against the petitioner is ended in acquittal and the Charge Sheet filed before the Criminal Court is identical with that of the disciplinary proceedings and the documents and witnesses relied before the Criminal Court has again been relied by the Disciplinary Authority. Therefore, the very continuance of the disciplinary proceedings subsequent to the acquittal passed in a criminal proceedings is contrary to law. In view of the above punishment, the petitioner is not in a position to participate in the in-service direct recruitment exam. Hence prayed to interfere with the same.

3. Per contra, the learned Special Government Pleader appearing on behalf of the respondents would vehemently contend that the petitioner has already filed a Review Petition before the Government and the same is pending. Therefore, filing a writ petition parallelly, while Review Petition is pending is not maintainable. Hence, the learned counsel prayed to dismiss the same.

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

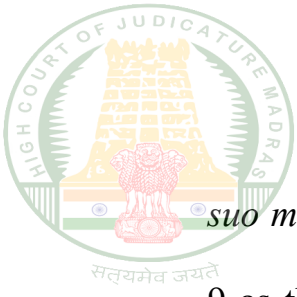


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5. Though the learned counsel would submit that the charges before the Criminal Court and the Disciplinary Proceedings are one and the same, the continuance of disciplinary proceedings *prima facie* cannot be found faulted as the standard of proof before the Criminal Court as well as the disciplinary proceedings are different. However, the fact remains that the Review Petition filed by the petitioner is pending before the Revisional Authority. Therefore, this Court is of the view that without going to the merits of the writ petition, this Court deems it appropriate to direct the Revisional Authority to dispose of the Review Petition within a reasonable time.

6. In view of the above detailed discussions, this Court directs the Revisional Authority to dispose of the Review Petition filed by the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order, according to its own merits and in accordance with law. No costs. Consequently, the connected miscellaneous petitions stand closed.

7. The petitioner did not implead the Revisional Authority namely, the Secretary to Government, Home Department, Chennai - 9. Hence, this Court



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suo motu implead the Secretary to Government, Home Department, Chennai -

9 as the 3rd respondent in the present writ petition. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the newly impleaded 3rd respondent. Registry is directed to make necessary corrections in the main Writ Petition.

10.07.2025

ssi

Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

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C. KUMARAPPAN, J.

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