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W.P.No.26680 of 2019



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.10.2025**

**CORAM:**

**THE HONOURABLE MR. JUSTICE T.VINOD KUMAR**

**W.P.No.26680 of 2019**

M.Sekar

... Petitioner

**vs**

1. State Represented by  
The Director General of Police,  
Tamil Nadu, Chennai – 600 004.

2. The Deputy Inspector General of Police,  
C.I.D Intelligence Bureau,  
Chennai – 600 004.

3. The Superintendent of Police,  
Special Branch, C.I.D.  
Chennai – 600 004.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, quashing the order of the third respondent RC.No.D1/SB/5647/2018 dated 20.06.2019 and consequently reinstate the petitioner in service and pass orders.

For Petitioner : Ms.V.Anuradha

For Respondents : Ms.V.Yamuna devi  
Special Government Pleader



**ORDER**

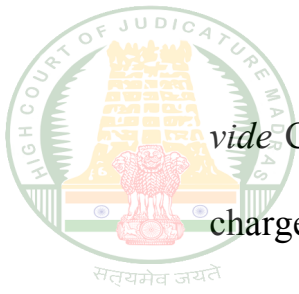
This Writ Petition is filed to quash the order of the third respondent in RC.No.D1/SB/5647/2018 dated 20.06.2019 and consequently reinstate the petitioner in service.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

3. Perused the record.

4. The case of the petitioner in brief is that while working as Office Assistant in the third respondent's office on a criminal case being registered against him, he was initially placed under suspension and thereafter, was dismissed from service as per the proceedings dated 07.06.2006.

5. It is the further case of the petitioner that in the aforesaid criminal case registered against him *vide* Cr.No.647 of 2005 under Section 395 r/w. 397 of IPC, conviction of 10 years was awarded on 12.08.2008 in S.C.No.77 of 2008. However, on Appeal being preferred before this Court



*vide* CrI.A.No.562 of 2008, the petitioner was acquitted from the aforesaid charges *vide* judgment dated 20.12.2017.

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6. It is the further case of the petitioner that on being acquitted by this Court of all the charges levelled against him in Cr.No.647 of 2005, the petitioner had approached the respondent authorities and submitted representation dated 28.03.2018, seeking reinstatement into service and on the aforesaid representation not being considered, approached this Court by filing W.P.No.16076 of 2018 and this Court, by an order dated 08.04.2019, directed the respondents to consider the representation of the petitioner in accordance with law and pass appropriate orders.

7. The petitioner contends that on this Court passing the aforesaid order, the petitioner had approached the respondent authorities and submitted a representation along with a copy of the order and the third respondent, by considering the order of this Court, had rejected the representation of the petitioner by impugned proceedings dated 20.06.2019, without considering the fact that the charges levelled against the petitioner resulted in acquittal and as such, the petitioner is entitled to be reinstated into service.



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8. *Per contra*, the learned Special Government Pleader appearing on behalf of the respondents, by relying on the counter affidavit filed by the third respondent, would contend that the petitioner on being involved in crime *vide* Cr.No.647 of 2005, was placed under suspension and thereafter, the respondent authorities by initiating disciplinary action, dismissed the petitioner from service *vide* order dated 07.07.2006; that aggrieved by the aforesaid order, the petitioner availed remedy of appeal by approaching the second respondent and on the said appeal being dismissed on 08.07.2006; had filed a review before the first respondent; and that the said review petition was also rejected *vide* order dated 26.12.2006.

9. The learned Special Government Pleader, thus, contends that the order of dismissal having attained finality, the petitioner cannot, now on being acquitted by this Court in CrI.A.No.562 of 2008, seek for reinstatement, without challenging the order of the dismissal from service.

10. The learned Special Government Pleader further submits that the acquittal of the petitioner in CrI.A.No.562 of 2008 is only on account of benefit of doubt and is not a honourable acquittal. Since, the petitioner



being a uniformed services personnel, mere acquittal in criminal case would not automatically result in the petitioner being reinstated into service.

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11. Having taken note of respective contentions.

12. Admittedly, the petitioner is in disciplined services namely Police Department, whereby, he is required to conduct himself in a manner be fitting his service. Though the petitioner was acquitted of the charges levelled against him in CrI.A.No.562 of 2008, it is to be noted that the acquittal in the aforesaid Criminal Appeal is on account of benefit of doubt and not a clean acquittal, whereby, it can be contended that this Court having come to a conclusion that the aforesaid case as having been foisted against the petitioner falsely for him to be reinstated.

13. It is a settled position of law that the acquittal in criminal case does not debar the employer from proceeding with the disciplinary proceeding.(Refer: ***U.T.Chandigarh Administration and Others Vs. Pradeep Kumar & another*** reported in (2018) 1 SCC 797)



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14. The third respondent under whom the petitioner was working having found that the petitioner is not fit to be in service, more particularly, in the Uniform/Disciplined Service, for involving himself in crime, had initiated the disciplinary action and passed order dismissing him from service *vide* order dated 07.06.2006; that the petitioner aggrieved by the aforesaid order having availed the remedy of appeal before the second respondent, thereafter, review before the first respondent, and the said proceeding having attained finality, merely on acquittal being recorded by this Court, that too, on account of benefit of doubt, would not automatically entail the petitioner to claim that he should be reinstated into service.

15. The Hon'ble Supreme Court in the case of ***State of Karnataka and another Vs. Umesh*** reported in ***(2022) 6 SCC 563*** by holding that the acquittal in criminal case does not debar the employer from proceeding in the exercise of disciplinary jurisdiction, held that, under Article 226 of Constitution of India, the Court does not act as an appellate forum over the finding of the disciplinary authority. The Court does not re-appreciate the evidence merely based on the acquittal in criminal proceedings without taking note of the misconduct.



16. Since, the order of dismissal from the service having attained finality, the mere fact of petitioner getting acquitted in criminal case in the year 2017, cannot be allowed to put the clock back, for the petitioner to claim that he should be reinstated in service.

17. Thus, the present writ petition as filed assailing the action of the respondents in rejecting the representation submitted by the petitioner seeking reinstatement into service, while the order of dismissal of service having attained finality, is devoid of merit and is accordingly, dismissed. No costs.

**07.10.2025**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

1. The Director General of Police,  
Tamil Nadu, Chennai – 600 004.
2. The Deputy Inspector General of Police,  
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**T. VINOD KUMAR, J.**

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