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W.P.No.24935 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24935 of 2025

And

W.M.P.No.28089 of 2025

M.Dhanavel

... Petitioner

Vs.

1.State of Tamil Nadu

rep. by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in the order bearing No.Th.Pa.No.05/2025 Rule 3(AA) dated 23.04.2025 issued by respondent no.2 and quashing the same.

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



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ORDER

The writ petition has been filed seeking issuance of Writ of Certiorari calling for the records in the order bearing Tha.Pa.No.05/2025 Rule 3(AA) dated 23.04.2025 issued by the second respondent and quashing the same.

2.The learned counsel appearing for the petitioner vehemently contended that the impugned charge memorandum dated 23.04.2025 is liable to be set aside on the ground of vagueness, absence of jurisdiction and malice in law. As far as vagueness of charge is concerned, it is the contention of the learned counsel appearing for the petitioner that the charge memorandum does not disclose under which Rule, the petitioner is charged. As far as jurisdiction is concerned, it is his contention that when there is no provision to bring the act of the petitioner within the meaning of misconduct, the framing of charge, become illegal. Apart from that as far as the defence of malice in law, the learned counsel would submit that the respondent Department has already preferred CMA(MD) SR No.15419 of 2025, in which, they have taken a defence that the petitioner was not negligent. When such a defence had been taken before higher forum, it is too premature for



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them to issue charge memorandum dated 23.04.2025. Hence prayed to interfere with the same.

3.Per contra, the learned Additional Government Pleader would submit that the petitioner being a Driver, there is a duty cast upon him to maintain utmost integrity and devotion to duty. Had he done his duty with utmost integrity and with devotion, the accident would not have occurred. Only due to his careless attitude, the accident happened and the Department was forced to pay compensation. Therefore, contended that the respondent has jurisdiction by virtue of Rule 24 of the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964. As far as malice in law is concerned, the learned Additional Government Pleader would submit that mere taking of a defence before the appellate forum in Civil Court will in no way affect the respondent's right in proceed with the delinquent, departmentally.

4.I have given my anxious consideration to either side submissions.

5.As rightly contended by the learned counsel appearing for the petitioner, the charge memorandum does not disclose Rule which the



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petitioner had violated. Since because the charge memorandum does not disclose about the Rule that does not mean that the charge become illegal. When the harmonious reading of the charge memorandum disclose delinquency of violation of Conduct Rules, this Court is of the firm view that mere non mentioning of numerical qua the Rule number will in noway seriously prejudice the petitioner so as to challenge the impugned order. Therefore, this Court arrives at a conclusion that the charge memorandum though does not disclose about the specific Rule we cannot term it as vague and by virtue of Rule 24, the respondent Department has jurisdiction to issue the charge memorandum.

6.As far as malice in law, it is not in serious dispute that the respondents have taken defence before appellate forum that they are not liable to pay any compensation. Even for argument sake, the respondents had taken such defence before the Motor Accidents Claims Tribunal or before the Motor Accidents Appellate Tribunal, that does not debar the Disciplinary Authority to take departmental action.

7.In this connection, in a similar matter, our Full Bench has categorically held that notwithstanding the defence taken by the



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Management before the Motor Accidents Claims Tribunal or before the Appellate Forum, Disciplinary Authority has got power to proceed against the employee departmentally. In this regard, it is useful to refer the judgment in 2024 (1) WLR 580 (F.B) [V.Syril Sundararaj Vs. The Presiding Officer, Labour Court, Thirunelveli and two others].

8.In view of the above, this Court does not find any merit in the writ petition. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

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C.KUMARAPPAN,J.
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