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W.A.Nos.2296 & 2297 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER**

W.A.Nos.2296 and 2297 of 2025

and

C.M.P.No.17511 & 17520 of 2025

- 1.The Additional Chief Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai – 600 009.
 - 2.The Director General of Police,
Mylapore, Chennai – 600 004.
 - 3.The Commissioner of Police,
Vepery,
Chennai – 600 007.
 - 4.The Joint Commissioner of Police,
Western Zone, Ambattur,
Chennai – 600 058.
 - 5.The Chief Vigilance Commissioner,
Fort St. George,
Chennai – 600 009.
 - 6.The Assistant Commissioner of Police/ Enquiry Officer,
SRMC Range, Greater Chennai Police,
Porur, Chennai.
- ... Appellants in both W.A.s



W.A.Nos.2296 & 2297 of 2025

Vs.

WEB COPY R.Ravichandran

... Respondent in W.A.No.2296/2025

T.Gokuldoss

... Respondent in W.A.No.2297/2025

Prayer in W.A.No.2296 of 2025: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 27.08.2024 made in W.P.No.10423 of 2020.

Prayer in W.A.No.2297 of 2025: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 27.08.2024 made in W.P.No.10422 of 2020.

For Appellants : Mr.P.Kumaresan,
Additional Advocate General,
Assisted by Mr.P.Ananda Kumar,
Government Advocate in both W.A.s

For Respondents : Mr.Karthik Rajan in both W.A.s

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the writ Court dated 27.08.2024 made in W.P.Nos.10422 and 10423 of 2020.

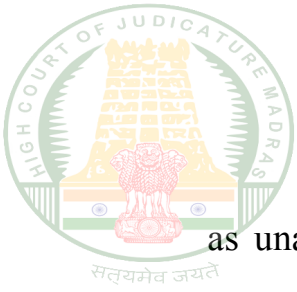


W.A.Nos.2296 & 2297 of 2025

2. The Writ Petitions were filed seeking issuance of a Writ of Mandamus directing the 1st respondent to pass orders in the disciplinary proceedings initiated against the petitioners.

3. Both the petitioners who were working in the police Department were charge sheeted for certain delinquencies including corruption charges. An enquiry officer was appointed and an enquiry was conducted. Enquiry Officer filed a report on 06.11.2017 exonerating the petitioners from the charges. However, the disciplinary Authority, not satisfied, ordered re-enquiry in the presence of officers of the Directorate of Vigilance and Anti-corruption vide proceedings dated 14.11.2018.

4. The said direction to conduct a re-enquiry was subject matter of challenge in W.P.No.10422 of 2020 and W.P.No.9785 of 2019. It is stated that those writ petitions are pending. Since there was no interim order, second enquiry was also proceeded with and the enquiry Officer submitted a report again exonerating the petitioners. Even after the second report the disciplinary authority ordered third enquiry. This, the learned Judge found



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as unacceptable. The learned Judge had specifically found that a second enquiry itself is impermissible. We therefore do not find any ground to interfere with the order of the learned Judge which direct further proceedings to be taken on the basis of the first enquiry report dated 06.11.2017.

5. Mr.Kumaresan, learned Additional Advocate General would however submit that paragraph No.8 of the order of the learned Judge contains a positive direction to pass final orders in the disciplinary proceedings as per the enquiry report submitted by the 6th respondent dated 06.11.2017. According to the learned Additional Advocate General this positive direction ought not to have been made, in as much as, it is open to the Disciplinary Authority to differ from the enquiry officer and proceed further.

6. Mr.Karthik Rajan, learned counsel appearing for the respondents/ employees would however contend that once there is no power to order re-enquiry the first report should be acted upon.



W.A.Nos.2296 & 2297 of 2025

WEB COPY

7. As rightly contended by the learned Additional Advocate

General it is open to the disciplinary authority to disagree with the findings of the enquiry officer. Therefore, there cannot be a positive direction to the disciplinary authority to accept the enquiry report and pass orders. Hence, the Writ Appeal is **disposed of** with a clarification that it will be open to the disciplinary authority to pass orders independently with the enquiry report dated 06.11.2017 as the basis. The time granted by the learned Single Judge is extended by two (2) months from today. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M.,J.) (K.S.,J.)
22.07.2025

dsa

Index : No

Neutral Citation : No

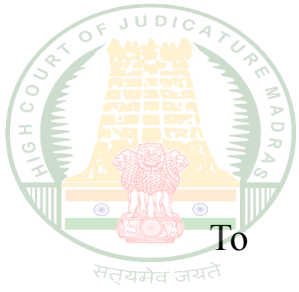
Speaking order



WEB COPY



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To

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