



W.P.No.30135 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.30135 of 2025

and

W.M.P.Nos.33803 of 2025

K.Baskar

... Petitioner

Vs.

1. The Director General of Police,
Dr.Radha Krishna Salai,
Mylapore, Chennai – 600 004.

2. The Deputy Inspector General of Police,
Villupuram Range,
Moovendar Nagar,
Villupuram – 605 602.

3. The Superintendent of Police,
Manjakuppam,
Cuddalore – 607 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of punishment passed by the first respondent in Mercy Petition submitted by the petitioner in his Office proceedings made in RC.No.179244/AP.I (2)/2013 dated 10.11.2016 modifying the order passed by the second respondent in his office proceedings made in C.No.B3/Appeal 22/11 dated 09.08.2011 in confirming the order passed by the third respondent in his office proceedings made in



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C.No.D1/P.R.55/2010 of Sivagangai District dated 04.01.2011 quash the same and consequently direct the respondents to refix the salary and pension with all service and monetary benefits.

For Petitioners : Mr.S.Sheik Thanveer Ahamed

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for Certiorarified Mandamus calling for the orders of the first respondent dated 10.11.2016 in and by which order of the second respondent had been modified and consequently direct the respondent to re-fix the salary and pension payable by the petitioner.

2. The short facts are as follows:-

The petitioner was appointed as Grade II Police Constable on 17.01.1986 and he was promoted to the post of Head Constable in the year 2011. He had attained the age of superannuation on 30.04.2025.

3. The petitioner was issued with a charge memo dated 20.04.2010 under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. The enquiry was held and the petitioner had informed the enquiry officer that the charges levelled



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against him were false and had given an oral explanation to all the charges. Further, the enquiry officer had informed him that no further explanation was required and the explanation submitted orally would be taken for consideration. However, the enquiry officer had neither considered the oral explanation nor verified the documents both oral as well as documentary. He had also not given an opportunity to the petitioner to cross-examine the witnesses and ultimately, held the charges proved by his report dated 09.11.2010. The main allegations against the petitioner was that he has not reported to the allotted work. Thereafter, the second respondent had awarded the punishment of reduction of pay by two stages for two years. Against this order passed by the third respondent, petitioner has preferred an appeal on 06.07.2011 to the second respondent. The second respondent, by his order dated 09.08.2011, rejected the appeal by a one line order. Against the order of the second respondent, the petitioner submitted a Mercy Petition to the first respondent and the first respondent has confirmed the order passed by the second respondent, without taking into consideration any of the points raised by the petitioner. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsel on either side.



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5. The learned counsel appearing for the petitioner would submit that the order has resulted in the reduction of his pension, as he had superannuated. The petitioner has been charged with dereliction of duty inasmuch as he had not reported to duty and had not informed his superiors about the same, since he had not reported to duty at the given time as per the Orders issued by the Sub Inspector of Police. The third charge against the petitioner was that he was sleeping while on duty. The petitioner had not given any written explanation to the said charges which are grave in nature. He has however participated in the enquiry and thereafter, the orders had been passed by the Initial Authority awarding punishment of reduction of pay by two stages for two years, which was confirmed by the second Authority. The first respondent after taking into consideration the above facts and the dereliction of duty on the part of the petitioner, had modified the said order to one of postponement of increment for two years. The Appellate Authority has considered the evidence and the documents submitted, before passing the impugned order.

6. In view of the above, I see no reason and no infirmity made out



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to the order under challenge.

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In the result, this Writ petition is dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

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dh

Index: Yes/No

Internet: Yes/No

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