



WEB COPY



W.P.No.31669 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.31669 of 2024

and

W.M.P.No.34428 of 2024

B. V. Ramesh

... Petitioner

Versus

1.The State of Tamilnadu rep by,
The Principal Secretary to Government,
Home (Police V) Department,
Chennai – 9.

2.The Director General of Police,
Kamarajar Salai,
Chennai – 4.

3.The Deputy Inspector General of Police,
Kanchipuram Range,
Kanchipuram.

4.The Superintendent of Police,
Thiruvallur District,
Thiruvallur – 602 024.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India,



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pleased to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of punishment made in G.O.(D).No.899 dated 16.07.2024 passed by the first respondent modifying the order of punishment imposed in R.C.No.033106/API(2)/2015 dated 06.09.2017 passed by the second respondent confirming the order dated 19.06.2010 made in C.No.B2/3456/2010 passed by the third respondent, quash the same and consequently, direct the respondents to regularize the period of suspension between 14.04.2017 and 02.07.2010 and grant all consequential benefits including the seniority, promotion and increments.

For Petitioner : Mr. N. Manoharan

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader.

ORDER

This Writ Petition has been filed challenging the order dated 16.07.2024 passed by the first respondent, whereby the order of punishment issued by the second respondent on 06.09.2017, confirming the earlier order dated 19.06.2010 passed by the third respondent, has been modified. Under the said orders, the petitioner was imposed with the punishment of reduction of pay by two stages



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for two years with cumulative effect.

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2. The petitioner is serving as a Head Constable. He was selected as a Police Constable on 24.05.1999 and got married on 01.06.2005. Subsequently, his wife developed an illicit intimacy with one M. Rajeshkumar, who was also working as a Police Constable. On coming to know about the extra-marital affair, the petitioner questioned his wife, but despite that, they continued their illicit relationship. As a result, the said Rajeskumar attempted to do away with the life of the petitioner on two occasions and had also assaulted him. At this juncture, in order to save his life, the petitioner rushed to the All Women Police Station, Tirutanni, where he was given protection by the Inspector of Police. Thereafter, the said Rajeshkumar was caught red handed and a case in Crime No.132 of 2007 was registered on the basis of the complaint lodged by the petitioner. The petitioner was subsequently treated at the Government Hospital. After a full-fledged trial, the paramour of the petitioner's wife was convicted for the offences under Sections 341, 323, 325 and 506(ii) of IPC., and the conviction was confirmed in CrI.R.C.No.293 of 2021 dated 09.09.2022.



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Meanwhile, a counter complaint was lodged by the said Rajeshkumar against

the petitioner which was culminated in C.C.No.320 of 2009 and ended with acquittal.

3. At this juncture, the petitioner was placed under suspension on 16.04.2007 and a charge memo containing two charges was issued to him, which reads as follows:-

" Charge No.1: You have left the head quarters of Armed Reserve, Tiruvallur and went to Tirutani on 14.04.2007, without any permission or leave, and failed to report about the cell phone messages sent by Rajeshkumar, PC No.24045 AR Chennai informing you about his illegal intimacy with your wife Gokila, either to the jurisdiction police or to the higher authorities, which is a misconduct.

Charge No.2: You have failed to inform the cell phone messages received from Rajeshkumar PC No.24045 AR Chennai about his illegal intimacy with your wife Gokila, either to the jurisdiction police or to the higher authorities, which is a misconduct."

Thereafter, the petitioner submitted his explanation. However, the same was not considered, and an Enquiry Officer was appointed. The Enquiry Officer conducted the enquiry and submitted his report on 05.02.2008.



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4. On the strength of the Enquiry Officer's report, the third respondent, by order dated 19.06.2010, imposed the punishment of reduction of pay by two stages for two years with cumulative effect. Subsequently, the petitioner was reinstated into service. Challenging the said order of the third respondent, the petitioner preferred an appeal before the second respondent. The appeal was dismissed by order dated 06.09.2017. Aggrieved by the same, the petitioner filed a revision before the first respondent. The first respondent, by order dated 16.07.2024, modified the punishment imposed by the third respondent and substituted it with the punishment of postponement of increment for one year with cumulative effect.

5. A perusal of the enquiry report reveals that the Enquiry Officer had concluded that the first charge, namely, that the petitioner was absent on 14.04.2007, was not proved. With respect to the second charge, the allegation was that the petitioner failed to inform the higher officials about the messages received from his wife's paramour. It is seen that even in respect of the very



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same charge, another constable, involved in the same issue was also issued a charge memo, only on the ground that he failed to inform the messages received by him by the petitioner's wife's paramour.

6. Apart from that, though the petitioner was subjected for criminal trial in C.C.No.320 of 2009, he was acquitted by the Criminal Court, finding that no fault was committed by the petitioner. It was only when he questioned the illicit intimacy between his wife and the paramour that he was issued a charge memo. In fact, the petitioner was assaulted by the accused, and he had to undergo treatment at the Government Hospital. Therefore, this Court finds that the order passed by the authorities imposing punishment on the petitioner is perverse. The first charge was not proved, and the second charge is baseless. Hence, the impugned order dated 16.07.2024 cannot be sustained and is liable to be set aside.

7. Accordingly, the Writ Petition stands allowed, and the order passed by the first respondent is set aside. Consequently, connected miscellaneous

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petition is also closed.

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8. The respondents are directed to regularize the period of suspension of the petitioner and grant all consequential benefits, including promotion, seniority and increments, within eight (8) weeks from the date of receipt of a copy of this order.

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Index : Yes/No

Speaking/Non-Speaking Order

Neutral Case Citation : Yes/No

klr

To

1.The Principal Secretary to Government,
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2.The Director General of Police,
Kamarajar Salai, Chennai – 4.

3.The Deputy Inspector General of Police,
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Kanchipuram Range, Kanchipuram.

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4.The Superintendent of Police,
Thiruvallur District, Thiruvallur – 602 024.

5.The Public Prosecutor, High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN. J.

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