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W.P.No.3670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3670 of 2024

B.Ulaganathan

... Petitioner

Vs.

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT OF TAMIL NADU,
HOME DEPARTMENT,
SECRETARIAT,
FORT ST. GEORGE,
CHENNAI – 600 009.
- 2 THE DIRECTOR GENERAL OF POLICE,
TAMIL NADU STATE GOVERNMENT,
KAMARAJAR SALAI,
CHENNAI – 600 004.
- 3 THE COMMISSIONER OF POLICE
NO.132, E.V.K SAMBATH ROAD,
VEPERY, PERIAMET,
CHENNAI – 600 007.
- 4 THE DEPUTY COMMISSIONER OF POLICE
FLOWER BAZAR,
CHENNAI – 600 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the PR No. 133/PR IV (1)/2014, U/R 3(b) of TNPSS (D&A) Rules 1955, dated



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03.06.2015 passed by fourth respondent, and the same confirmed by the third respondent bearing PR No. V.(1) /C.O.P /214 /79487/2017 dated 17.10.2017, and the same confirmed by the second respondent bearing RC No. 7/AP.392/2018 dated 20.03.2019, and the same confirmed by the first respondent bearing Letter No. 18845.Pol.5/2023-3 dated 29.09.2023 and to quash the same.

For Petitioner : Mr.M.Madhu Prakash
For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the PR No. 133/PR IV (1)/2014, U/R 3(b) of TNPSS (D&A) Rules 1955, dated 03.06.2015 passed by fourth respondent, and confirmed by the third respondent bearing PR No. V.(1) /C.O.P /214 /79487/2017 dated 17.10.2017, and confirmed by the second respondent bearing RC No. 7/AP.392/2018 dated 20.03.2019, and confirmed by the first respondent bearing Letter No. 18845.Pol.5/2023-3 dated 29.09.2023 and to quash the same.

2.The learned counsel appearing for the petitioner submitted



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that the petitioner was enlisted as Grade II Police Constable by the Tamil Nadu Uniformed Service Recruitment Board on 01.12.2003 and was promoted as Grade I Police Constable and is presently working in D6 Anna Square Police Station. On 23.05.2014, when the petitioner was in duty as Driver for the Deputy Commissioner of Police, he suffered severe cough and consumed cough syrup, due to which, he felt drowsy, however, his higher official misunderstood that he was drunk and sent him to Government Hospital for medical test and the petitioner's blood sample was taken by the Doctor for testing the alcohol in his blood.

3.The learned counsel appearing for the petitioner further submitted that the Doctor gave a report on 29.05.2014 stating that no alcohol was found in the petitioner's blood. Even then a show cause notice was issued to the petitioner on 17.06.2014 and after enquiry, the fourth respondent vide order dated 03.06.2015 imposed the punishment of postponement of increment one stage for one year with cumulative effect and aggrieved by the same, the petitioner approached the third respondent and the third respondent vide order dated 17.10.2017 rejected the petitioner's petition and challenging the



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same, the petitioner approached the second respondent and the second respondent vide order dated 20.03.2019 rejected the petitioner's petition and aggrieved by the same, the petitioner approached the first respondent and since there was no response, the petitioner filed W.P.No.11046 of 2023 and pursuant to the order of this Court dated 12.04.2023 made in the said writ petition, the first respondent passed the order dated 29.09.2023 rejecting the petitioner's petition, thereby, confirming the punishment imposed on the petitioner.

4.The learned counsel appearing for the petitioner further submitted that since the petitioner suffered severe cough, he consumed cough syrup, due to which, he felt drowsy, however, his higher official misunderstood that he was drunk and sent him to Government Hospital for medical test and the petitioner's blood sample was taken by the Doctor for testing the alcohol in his blood and the Doctor gave a report on 29.05.2014 stating that no alcohol was found in the petitioner's blood. Even then the petitioner was imposed with the punishment of postponement of increment one stage for one year with cumulative effect by the original authority and the same was



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concurrently confirmed by the appellate authority, revisional authority and by the Government, which is not sustainable one.

5.Per contra, the learned Additional Government Pleader appearing for the respondents submitted that on 23.05.2014, the petitioner was on duty as Camp Driver at the Office of the Deputy Commissioner of Police and he absented from duty from 15.00 hours and at 16.00 hours, he appeared before the Deputy Commissioner of Police at Secretariat in a drunken mood. Hence, the petitioner was subjected to medical examination at Government General Hospital and the Casualty Medical Officer who examined the petitioner gave certificate certifying that there was smell of alcohol. Thereafter, departmental disciplinary action was initiated against the petitioner and after enquiry, the petitioner was imposed with the punishment of postponement of increment one stage for one year with cumulative effect on 03.06.2015. Hence, the impugned order warrants no interference.

6.Heard the arguments advanced on either side and perused the materials available on record.



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7.The petitioner was enlisted as Grade II Police Constable by the Tamil Nadu Uniformed Service Recruitment Board on 01.12.2003 and was promoted as Grade I Police Constable. On 23.05.2014, when the petitioner was in duty as Driver for the Deputy Commissioner of Police, he suffered severe cough and consumed cough syrup, due to which, he felt drowsy, however, his higher official misunderstood that he was drunk and sent him to Government Hospital for medical test and the petitioner's blood sample was taken by the Doctor for testing the alcohol in his blood. Thereafter, departmental disciplinary action was initiated against the petitioner and after enquiry, the fourth respondent vide order dated 03.06.2015 imposed the punishment of postponement of increment one stage for one year with cumulative effect and the same was confirmed by the other respondents.

8.Perusal of records reveal that the blood sample was received by the Forensic Sciences Department, Government of Tamil Nadu, Kamarajar Salai, Chennai, on 28.05.2014 through Tr.K.Parthiban, Police Constable of Fort Police Station under unbroken seals and the Scientific Officer Analyst has opined in the report dated 29.05.2014 that the blood did not detect 'ethyl alcohol'. There is no



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material available to disclose as to when the blood sample was taken from the petitioner. The date of incident is 23.05.2014 and after a lapse of five to six days, it may not be possible to find out whether the blood contained ethyl alcohol. Therefore, the report issued by the Forensic Sciences Department will not give clean chit to the petitioner. Further, the fourth respondent has imposed only a minor punishment and the same was confirmed by the other respondents including the Government. Hence, this Court is not inclined to interfere with the orders impugned in this writ petition.

9.The writ petition is dismissed. No costs.

08.12.2025

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

To

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT OF TAMIL NADU,
HOME DEPARTMENT,
SECRETARIAT,
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CHENNAI – 600 009.

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M.DHANDAPANI,J.
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