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W.P. No.35430 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P. No.35430 of 2025 and W.M.P. No.39652 of 2025

T. Kothandapani

Petitioner

Vs.

The Joint Commissioner of Police
Traffic (South)
Chennai 600 007

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned suspension order Rc.No.Tr.Pr/1232/25393/2024 dated 31.12.2024 and the order not allowing the petitioner to retire from service in proceedings in Rc.No.299/1145/PR(S)/2024 CPO No.327/2004 (South) dated 01.10.2004 and quash the same and consequently, direct the respondent to award all consequential benefits, including terminal benefits.

For petitioner : Mr. M.S. Soundararajan

For respondent : Mr. R.U. Dinesh Raj Kumar
Addl. Govt. Pleader

ORDER

Mr. R.U. Dinesh Raj Kumar, learned Additional Government Pleader, accepts notice on behalf of the respondent.



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2. With the consent of the learned counsel on either side, this writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition calls in question the order dated 01.10.2004 and the order dated 31.12.2024, both issued by the sole respondent and both captioned as "order of suspension".

4. At the very outset, it is to be noted that the second suspension order is passed two decades after the date of the first suspension order.

5. The crux and gravamen of the petitioner's case is follows:

5.1 The petitioner was appointed as a Police Constable in the Chennai city on 01.08.1984, promoted as Grade I Police Constable in the year 1997 and as Head Constable in the year 2000. While so, he was placed under suspension on 11.10.2004 on the ground that one Senthil Kumar committed suicide by hanging when he was in the custody of the petitioner who was on sentry duty. A criminal case was also registered against the petitioner in this regard. However, the petitioner was reinstated in service on 25.10.2004.



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5.2 When things stood thus, he was promoted as Special Sub Inspector of Police on 15.03.2024 with effect from 01.08.2010, pursuant to order dated 01.11.2023 passed by this Court in W.P.No.31307 of 2023 filed by him seeking a writ of mandamus to consider his representation dated 31.01.2023 for grant of promotion to the post of Special Sub Inspector of Police. When he was due to retire on 31.12.2024 on attaining the age of superannuation, he was placed under suspension by order dated 31.12.2024 passed by the respondent. Hence, the present writ petition seeking the relief as stated in the opening paragraph.

6. The learned counsel for the petitioner contended that when the criminal case in S.C. No.627 of 2010 on the file of the II Additional Sessions Court, Chennai, against the petitioner has ended in acquittal *vide* judgment dated 28.09.2020 and the departmental proceedings against him have been dropped pursuant to the enquiry report and he has also been promoted *vide* order dated 15.03.2024 with effect from 01.08.2010, the second impugned order dated 31.12.2024 which was issued on the date of his retirement and the first impugned order dated 01.10.2004 have no legs to stand.



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7. Learned Additional Government Pleader submitted that based on the directions of the Additional Chief Secretary to Government, the petitioner has been placed under suspension *vide* the second impugned order dated 31.12.2024 and departmental action has been initiated against him. However, he fairly submitted that the ground on which the suspension order dated 31.12.2024 and the suspension order dated 01.10.2004, were issued, is one and the same, *i.e.*, death of Senthil Kumar when he was in the custody of the petitioner who was on sentry duty. He further fairly conceded that he could offer no reason for the delay in the issuance of the impugned order dated 31.12.2024.

8. Heard both sides and perused the materials available on record.

9. It is beyond cavil that the petitioner was acquitted in the criminal case as early as on 28.09.2020 and the departmental action initiated against him was also dropped way back two decades ago, pursuant to the 'not proved' minute of the Enquiry Officer. Superadded, it is also not disputed that he was also promoted as Special Sub Inspector of Police on 15.03.2024 with effect from 01.08.2010. When



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that is the factual matrix, this Court is at a loss to understand as to how the petitioner can be suspended from service, on the date of his retirement, that too, for the same allegation levelled against him way back in 2004, of which, even he was exonerated in the very next year *i.e.*, 2005.

10. At this juncture, it is apropos to advert to the judgment of the Supreme Court in **P.V. Mahadeven vs. Managing Director, Tamil Nadu Housing Board**¹, in which it was held that issuance of charge memo after a long period of ten years with no reason, much less convincing reason therefor, would render the disciplinary proceedings vitiated. In the instant case, the situation is much worse, for, as already alluded to *supra*, the petitioner has been suspended *vide* the second impugned order, after a period of two decades from the date of the first impugned order, that too, on the date of his retirement. There is no reason whatsoever assigned by the respondent for waking up from deep slumber like Rip Van Winkle and proceeding against the petitioner.

11. In view of the above discussion, the impugned orders are set aside and the respondent is directed to settle the terminal benefits to the petitioner within a period of three months from the date of receipt of a

¹ (2005) 6 SCC 636



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copy of this order.

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12. In the result, this writ petition stands allowed. There shall be no order as to costs. Connected W.M.P. stands closed.

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- To
1. The Inspector General of Registration
Santhome
Chennai – 600 004
 2. The Deputy Inspector General of Registration
Salem Zone, Deputy Inspector
General of Regn.
Collector Office
Compound, Salem – 636 001
 3. The District Registrar (Admin)
Krishnagiri District
1, Thiruvannamalai Road
Dowladabad
Krishnagiri – 635 107
 4. The Sub Collector, Hosur
Anna Nagar
Denkanikottai Road
Denkanikottai
Hosur – 635 107



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A.D.JAGADISH CHANDIRA, J.

dh/cad

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