



WEB COPY



W.A No.3540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 3540 of 2025

And

CMP.No. 29135 of 2025

1. The Secretary to Government
Home Department (POL.2)
Fort St. George, Chennai.

2.The Director General of Police,
Tamil Nadu,
Radhakrishnan Salai,
Chennai-600004.

3.The Inspector General of Police,
South Zone, Madurai.

..Appellants

Vs

1.C.Rangaswami

2.Tamil Nadu Public Services Commission,
Rep by its Secretary,
Chennai-600002.

..Respondents

Prayer : Writ Appeal is filed under Clause 15 of Letter Patent to set aside the



W.A No.3540 of 2025

orders dated 30.01.2025 passed in W.P. No. 17703 of 2007.

WEB COPY

For Appellants: Mr.P.Kumaresan, AAG

Assisted by Mr.E.Veda Bagath Singh, Spl.GP

For Respondents : Mr.P.Raja – R1

Mr.B. Vijay, Standing Counsel - R2

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

The challenge in this intra-Court appeal is to the order dated 30.01.2025 passed by the learned Single Judge in W.P. No. 17703 of 2007. By the said order, the learned Single Judge set aside the order passed by the first appellant removing the respondent/writ petitioner from service, as well as the order rejecting the review petition, and consequently directed the appellants to settle all terminal benefits in favour of the respondent/writ petitioner.

2. The respondent, while working as Inspector of Police at Vellakoil Circle from 09.08.1991 to 10.04.1992, was served with a charge memo dated 10.11.1994. The charges are as follows:

“ (i). *Highly reprehensible conduct and gross neglect of duty of*



W.A No.3540 of 2025

slack supervision in not allowing Head Constable 1072 Dhanapal of Vellakoil Police Station to register a case under the relevant section of law on the oral complaint over phone by one Ganesan about the molestation of one Ponnammal @ Pappathi on 21.9.91 at 06.00AM near Veerakumar Theatre Palaniswamy Nagar Vellakoil by one Sivagurunathan S/o.Subbiah Padayachi, Keelpavoor Village, Thenkasi Taluk.

(ii) Gross neglect of duty and highly reprehensible conduct and conniving with Head Constable 1072 Dhanapal who registered a false prohibition case against Sivagurunathan in Vellakoil Police Station Cr.No.381/91 u/s.4(i)(a) TNP Act on 21.9.91 at 06.30 hrs and tortured the said Sivagurunathan at Vellakoil Police Station due to which he succumbed to injuries and arranged the body to be tied in a babool tree in S.No.175/B Kuttaikadu in Thennilai Police Station limits Trichy District so as to appear it as if the accused Sivagurunathan Committed suicide."

3. The reply submitted by the respondent/writ petitioner was found to be unsatisfactory, and an Enquiry Officer was appointed. After conducting the enquiry, the Enquiry Officer submitted a report holding that the charges against the respondent/writ petitioner stood proved. The respondent/writ petitioner submitted a reply to the second show-cause notice, whereafter the first appellant accepted the enquiry report and passed an order removing the respondent/writ petitioner from service. The said order was also confirmed in the review petition filed by the respondent/writ petitioner. Aggrieved by the same, the respondent/writ petitioner approached this Court by filing the writ petition, which was allowed by the learned Single Judge. Assailing the correctness of that order, the State has preferred this appeal.



W.A No.3540 of 2025

4. Mr. P. Kumaresan, learned Additional Advocate General for the appellant/State, submitted that since the charges against the respondent/writ petitioner stood proved, the disciplinary authority, after carefully considering the enquiry report as well as the further representation submitted by the respondent/writ petitioner, rightly passed the order of removal from service. He further submitted that the learned Single Judge, having found the punishment disproportionate to the gravity of the misconduct, ought to have remanded the matter to the disciplinary authority for imposition of an appropriate punishment. Additionally, he submitted that if this Court concludes that the order passed by the disciplinary authority is not a speaking order, the matter may be remanded for passing a fresh order.

5. In response, Mr. P. Raja, learned counsel for the respondent/writ petitioner, submitted that the learned Single Judge, after finding that the disciplinary authority's order was not a speaking order and taking into account that the denial of terminal benefits for 25 years operated as sufficient punishment, had rightly allowed the writ petition. He therefore contended that the impugned order does not warrant interference by this Court.

6. All the submissions advanced by the learned counsel for the parties and the materials placed on record have been duly considered.



7. The learned Single Judge noted that the alleged misconduct/derelection of duty took place on 21.09.1991, whereas the charge memo was issued only on 10.11.1994, after a lapse of nearly three years. The enquiry was conducted after a further delay of five years, and the order of removal was passed thereafter. Thus, the order of removal came to be passed eleven years after the alleged misconduct/derelection of duty.

8. The learned Single Judge also observed that the disciplinary authority merely reproduced the explanation submitted by the respondent/writ petitioner and the findings of the Enquiry Officer, but did not furnish any reasons for accepting those findings or for rejecting the explanation submitted in response to the second show-cause notice. Mere extraction of the explanation and findings, without assigning reasons, does not amount to a speaking order. Therefore, the order of removal was held to be arbitrary and violative of the principles of natural justice, especially since removal from service entails civil consequences.

9. The learned Single Judge further recorded that the alleged misconduct pertained only to slack supervision and negligence. Considering that such misconduct was alleged in an otherwise unblemished service of 35 years, the punishment of removal from service was held to be grossly disproportionate to the gravity of the misconduct. The learned Single Judge also noted that the miscon-



W.A No.3540 of 2025

duct pertained to the period from 09.08.1991 to 10.04.1992, whereas the removal order was passed only on 08.05.2002. Having made the aforesaid findings, the learned Single Judge concluded that the order of removal stood vitiated for non-compliance with the principles of natural justice and fairness, and therefore suffered from arbitrariness and illegality.

10. Ordinarily, when a punishment is found to be disproportionate to the gravity of the misconduct, the matter must be remanded to the disciplinary authority for imposition of an appropriate punishment. However, in the present case, the learned Single Judge, taking into account the peculiar facts and circumstances, and particularly the fact that the order of removal was passed two years after the respondent/writ petitioner had attained the age of superannuation, rightly held that the prolonged deprivation of service benefits for nearly 25 years constituted sufficient punishment.

11. It is also submitted that the Head Constable, against whom serious allegations were made, was imposed with the punishment of compulsory retirement, whereas the respondent/writ petitioner, who was the Inspector and was only alleged to have failed to monitor and supervise the Head Constable's actions, was removed from service.

12. After carefully considering the impugned order passed by the learned



W.A No.3540 of 2025

Single Judge, the submissions of the learned counsel for both sides, and the materials on record, this Court finds no infirmity or illegality in the impugned order. The same is just, proper, and does not warrant interference.

13. Accordingly, the following order is passed;

- i. The Writ Appeal is dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.
- ii. The appellant/State is directed to implement the order passed by the learned Single Judge within a period of two (2) months from the date of receipt of a copy of this order.

(R.S.K.,J)

(H.C., J)

24.11.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

ak



WEB COPY



W.A No.3540 of 2025

R. SURESH KUMAR, J.

and

HEMANT CHANDANGOUDAR, J.,

ak

W.A No. 3540 of 2025

24.11.2025