



W.P. No. 26922 of 2018

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.02.2025**

**CORAM**

**THE HON'BLE Ms. JUSTICE R.N.MANJULA**

**W.P. No. 26922 of 2018**

N.Subramani

... Petitioner

-VS-

1. The Director General of Police  
Mylapore, Chennai-600005.
2. The Additional Director General of Police (Law & Order)  
Mylapore, Chennai-600004.
3. The Deputy Inspector General of Police  
Kancheepuram Range  
Kancheepuram.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of penalty by the third respondent made in B2/6474/2014 (PR.No.15/14) dated 08.08.2015 as confirmed by the second respondent made in R.C.No.009020/AP.I(2)/2016 dated 25.07.2017, to quash the same and consequently direct the respondents 1 to 3 to forthwith extend all service and monetary benefits arising thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.Chezhiyan, AGP



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## ORDER

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This writ petition has been filed challenging for the order of penalty by the third respondent made in B2/6474/2014 (PR.No.15/14) dated 08.08.2015 as confirmed by the second respondent made in R.C.No.009020/AP.I(2)/2016 dated 25.07.2017 and consequently direct the respondents 1 to 3 to forthwith extend all service and monetary benefits arising thereto.

2. When the petitioner was working as SSI, Ponneri, he was issued with a charge memo alleging that he has stopped the enquiry in support of the accused, viz., Parthasarathy, on the complaint of one Arumugam of Chinnambedu Village on 14.05.2013. Not being satisfied with the explanation given by the petitioner, disciplinary proceedings was initiated against him and in conclusion of proceedings, he was found guilty of the charges framed against him and imposed with punishment of stoppage of increment for a period of five years with cumulative effect.

3. The appeal preferred by the petitioner challenging the order of punishment was also dismissed on 25.03.2016. The review petition filed by the petitioner was also rejected on 25.07.2017.



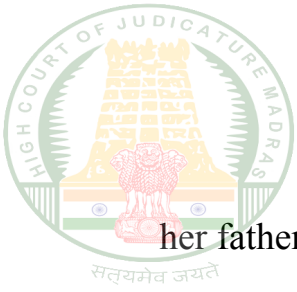
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4. The learned counsel for the petitioner submitted that the enquiry has been conducted without giving reasonable opportunity to the petitioner to cross-examine the witnesses. An essential witness was not examined. The disciplinary authority has simply accepted the enquiry officers report, despite the report was found to be ambiguous. Essential materials placed before the enquiry authority was not properly appreciated.

5. Mr. T.Chezhiyan, learned Additional Government Pleader for the respondents submitted that all the essential witnesses were examined as per the evidence on record and materials available on record, the petitioner was found guilty and imposed with charges and hence, there is no culpable error in inquiring the punishment of stoppage of increment of the petitioner.

6. The charges made against the petitioner appears to be very serious in nature. It is stated that the petitioner is acting as a stumbling block to register a case against an accused, who had involved in committing a POCSO offence. It is learnt that the victim was made pregnant by the accused and she even delivered a baby due to the offence committed on her, but she was unable to get support even to register a case. Therefore, the victim, her new born child and



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her father died by committing suicide.

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7. In such case, it is very difficult for the department to get the evidence of the father of the victim, who was all along trying to register a case with his complaint, or victim, as the department side witnesses. So the department had examined the witnesses who are available and the witnesses who are acquainted with the allegations made against the petitioner and relied on the records. The petitioner has given with due opportunity to cross-examine the witnesses and to depose evidence. Prior to the initiation of the departmental enquiry, a preliminary enquiry was also held and that is a fact finding enquiry. The petitioner claimed that he was not given with the report of the fact finding enquiry. The fact finding enquiry is conducted just to find out whether there are *prima facie* grounds made out a charge against the petitioner and whether there are materials available to subject him to the disciplinary action. No unfairness or illegality is found on the part of the respondent department and neither opportunity was denied to the petitioner.

8. The disciplinary authority had chosen to accept the report submitted by the enquiry officer. The proceedings of the disciplinary authority would show



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that he had applied his mind by perusing the records and recorded the reasons as

to why the report of the enquiry officer was accepted. Hence, I do not find any short-falls in the orders passed by the disciplinary authority.

9. The petitioner has filed an appeal before the second respondent by challenging the order of the disciplinary authority on various grounds. However, the same was disposed by the appellate authority, without any discussion on the grounds raised by the petitioner. Even in the order passed on the review application filed by the petitioner on 27.05.2017, there is no independent analysis of the evidence is seen. Hence, I feel for this limited reason that the order passed in the review petition and the order of the appellate authority are liable to be set aside and the matter has to be remitted back to the file of the appellate authority to re-appraise the grounds of appeal raised by the petitioner and pass orders on making discussion on those grounds and to pass an order afresh. Thus, this writ petition is disposed without touching upon the merits and the matter is remanded back to the file of the second respondent in order to dispose the appeal afresh by making discussion on the grounds of appeal and pass an order afresh within one month from the date of receipt of a copy of this order. In order to enable the second respondent to take up the appeal, the order passed by the appellate authority and the order passed in the review petition are



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set aside. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

*Maya*

To

1. The Director General of Police  
Mylapore, Chennai-600005.
2. The Additional Director General of Police (Law & Order)  
Mylapore, Chennai-600004.
3. The Deputy Inspector General of Police  
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**R.N.MANJULA, J.**

*Maya*

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