



W.P.(MD)No.2205 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2205 of 2022

and

W.M.P.(MD)Nos.1919 & 1920 of 2022

S.Maria Antony Subash

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police,
O/o. the Director General of Police,
Tamil Nadu,
Chennai – 600 004.
- 3.The Additional Director General of Police,
/ The Inspector General of Prisons,
Egmore,
Chennai – 8.



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4. The Inspector General of Prisons,
Madurai Range,
Madurai – 16.

5. The Superintendent of Prison,
Palayamkottai Central Prison,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings G.O.No.1065, Home (Prison.2) Department dated 12.09.2019, confirming the impugned order passed by the first respondent in his proceedings G.O.No.509, Home (Prison.2) Department dated 24.04.2017, confirming the order modifying the punishment passed by the third respondent vide his proceedings No. 5762/EW.1/2015 dated 18.06.2015, confirming the punishment order passed by the 4th respondent vide his proceedings No. 3509/MuU/2014 dated 23.12.2014 confirming the order of punishment passed by the fifth respondent vide his proceedings No. 3780/Ki Si 2/2013 dated 30.08.2014 and quash the same as illegal.



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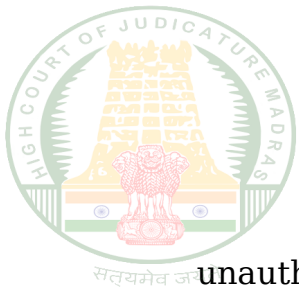
For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned orders passed by the third respondent dated 18.06.2015 and the first respondent dated 24.04.2017 and 12.09.2019.

2.The petitioner was charged for his unauthorised absence in the disciplinary proceedings initiated by the respondents. The petitioner failed to attend the enquiry proceedings despite sufficient opportunity having been given and therefore, an ex-parte enquiry report came to be passed against the petitioner by holding that the charges framed against the petitioner for his unauthorised absence from duty has been proved. Based on the enquiry report, the disciplinary authority namely fourth respondent under the impugned order dated 23.12.2014 terminated the petitioner from service. Aggrieved by the said order, the petitioner preferred an appeal before the third respondent raising medical grounds for his



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unauthorised absence from duty. The third respondent [appellate authority] in its order dated 18.06.2015, modified the punishment to one of reduction in pay by three stages for three years with cumulative effect instead of termination from service. Aggrieved by the order of the third respondent [appellate authority] on 18.06.2015, the petitioner preferred a review before the first respondent and the first respondent confirmed the order of the third respondent dated 18.06.2015, by his order dated 24.04.2025. Thereafter, a mercy petition was also filed by the petitioner before the first respondent. The mercy petition was also dismissed on 12.09.2019. Aggrieved by the impugned orders, this Writ Petition has been filed.

3.Counter affidavit has been filed by the second respondent on behalf of all the respondents, reiterating that the petitioner on account of his long unauthorised absence, based on the enquiry proceedings has been rightly imposed with the aforesaid punishment. They would also reiterate that since the punishment of termination from service has been reduced to a lesser punishment by the appellate authority, the question of interfering with the same by this Court does not arise.

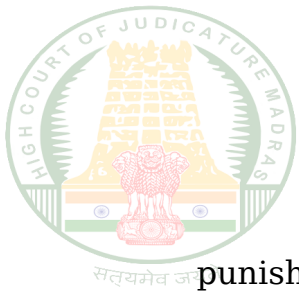


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4.Before this Court, learned Counsel for the petitioner has filed additional typed set of papers in the form of medical certificate of the petitioner to support the petitioner's contention that only due to his serious medical illness, during the period of his unauthorised absence, the petitioner absented himself from duty and therefore, learned Counsel for the petitioner would submit that there was no deliberate misconduct on the part of the petitioner who has absented himself from duty. Learned Counsel for the petitioner would submit that the punishment though modified by the appellate authority to a lesser punishment is disproportionate to the nature of charges framed against the petitioner. He would also submit that the medical certificate placed on record before this Court will establish that the petitioner had a serious ailment which includes depression which resulted in his unauthorised absence and his absence in the enquiry proceedings conducted by the disciplinary authority.

5.On the other hand, learned Additional Government Pleader appearing for the respondents would reiterate the contents of the counter filed before this Court and would submit that the



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punishment imposed by the appellate authority which has reduced the punishment from one of termination from service is proportionate to the charges levelled against the petitioner. He would submit that only due to the long absence of the petitioner from duty such a punishment was imposed. He would also submit that in the enquiry proceedings several opportunities were granted to the petitioner to participate in the enquiry but despite the same, the petitioner failed to participate in the enquiry and only due to the said reasons, an ex-parte enquiry report came to be passed against the petitioner, wherein it has been found that the petitioner is guilty of the charges framed against him.

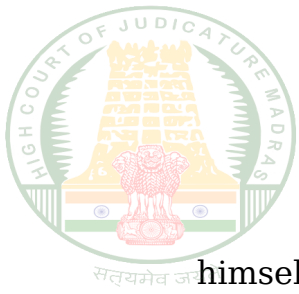
6.For the first time before this Court, the petitioner has placed on record the medical certificates in the form of additional typed set of papers filed by the learned Counsel for the petitioner dated 10.09.2025. According to the learned Counsel for the petitioner as seen from the medical certificates it is clear that during the relevant period of absence of the petitioner from duty, the petitioner was having a serious ailment and was also suffering from depression which prevented him from attending duty. Learned Additional Government Pleader for the respondents would however,



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contend that at this stage, the medical certificates cannot be produced when the petitioner has failed to produce the same before the authorities below.

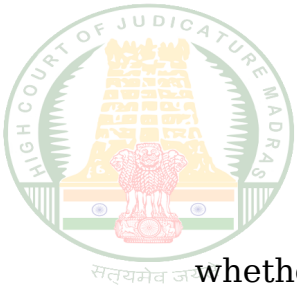
7.Before this Court, the petitioner categorically contends that only due to his medical ailments he was unable to go for duty and was unable to participate in the disciplinary proceedings initiated against the petitioner. The medical certificates produced by the petitioner before this Court consists of several pages and one of the observations made in the said report is “aggressive behaviour, sleep disturbances, irrelevant talk etc”. However, it is an admitted fact that the petitioner did not produce the medical certificates which have been placed before this Court before the appellate authority who has dismissed the appeal filed by the petitioner and has modified the order of the disciplinary authority. It is to be noted that the appellate authority has modified the punishment to one of reduction in pay by three stages for three years with cumulative effect, instead of the punishment of termination from service imposed by the disciplinary authority. The petitioner pleads that there was no deliberate misconduct on his part to have absented



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himself from duty and his absence has to be condoned since he was suffering from serious illness which includes depression as seen from the medical certificates placed before this Court.

8. Eventhough, the petitioner had filed an appeal against the order of the disciplinary authority, raising medical grounds, the medical certificates which have been placed before this Court were not placed on record before the appellate authority. On a *prima facie* consideration of the medical certificates, this Court finds that the petitioner suffers from serious ailments as referred to supra. Learned Counsel for the petitioner also submits that if the petitioner is allowed to place the medical certificates before the appellate authority, the petitioner will be in a position to convince the appellate authority that his absence from duty was neither willful nor wanton but solely due to the reasons stated supra. Admittedly, the medical records which have been placed before this Court by the petitioner *prima facie* reveals that the petitioner was suffering from illness which includes depression. This Court is of the considered view that in the interest of justice, the appellate authority will have to reconsider the appeal, after giving due consideration to the medical certificates produced by the petitioner and decide as to



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whether the punishment imposed by the disciplinary authority is correct or not.

9. Eventhough, grounds were raised by the petitioner before the appellate authority that only due to medical illness, the petitioner was unable to attend duty and was also unable to attend the enquiry proceedings, the petitioner did not file the medical records and therefore, the official respondents under the impugned orders had no opportunity left but to decide the issue based on the materials available on record. The appellate authority [third respondent] based on the grounds of appeal filed by the petitioner which is not supported by any medical records has modified the punishment of the petitioner imposed by the disciplinary authority to one of reduction in pay by three stages for three years with cumulative effect. A categorical assertion has been made by the petitioner before this Court that if given one more opportunity by this Court, the petitioner shall place all the medical certificates of the petitioner pertaining to the relevant period and would plead that the petitioner is not guilty of the charges framed against him in the disciplinary proceedings.



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10.This Court, after giving due consideration to the contentions of the petitioner as well as the respondents and after hearing the rival submissions, is of the considered view that in the interest of justice, the impugned order of the appellate authority dated 18.06.2015, has to be quashed and the petitioner has to be permitted to file additional documents in the form of medical records to prove that his absence from duty was neither willful nor wanton but solely due to the medical illness which includes suffering from depression etc.,

11.The learned Counsel for the respondents also do not have any serious objection if the matter is remanded back to the appellate authority for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.

12.Accordingly, the impugned orders dated 18.06.2015 passed by the third respondent, 24.04.2017 passed by the first respondent and the order dated 12.09.2019 passed by the first respondent are hereby quashed and remanded back to the third respondent [appellate authority] for fresh consideration, on merits



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and in accordance with law, after permitting the petitioner to place on record the medical records for the purpose of enabling the petitioner to disprove the charges framed against him in the disciplinary proceedings and to establish that only due to his medical illness he was unable to go for duty and he was unable to participate in the enquiry proceedings. It is made clear that the appellate authority shall decide the appeal independently uninfluenced by any of the observations made by the disciplinary authority [fourth respondent] and he is also having the power to set aside the order of the disciplinary authority. Till the appellate authority decides the appeal as directed by this Court, the order modifying the punishment shall remain in force.

13.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.09.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR

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- To
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State of Tamil Nadu,
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Secretariat, Chennai – 600 009.
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ABDUL QUDDHOSE., J.

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