



W.P.(MD)No.3623 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3623 of 2021

and

W.M.P.(MD).Nos.20353 of 2023 and 2935 of 2023

P.Murugan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Home,
St.George Fort, Chennai-9

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-4.

3.The Superintendent of Police,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the first respondent order in G.O.(D) No. 503 dated 12.03.2020 and the second respondent Modification order in P.R.No. 110/2009 U/r.3(b) dated 30.11.2016 and third respondent punishment order in P.R.No.110/2009 U/r.3(b) dt. 17.09.2010 and quash the same and consequently



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direct the first and second respondents to regularize the service and give the monetary benefits to the petitioner.

For Petitioner : Mr.M.Rajaram

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

ORDER

This writ petition has been filed challenging the impugned orders passed by the respective respondents.

2. Under the impugned order dated 17.09.2010, the petitioner has been imposed with the punishment of “reduction in time scale of pay by three stages for three years with cumulative effect”. Subsequently, under the impugned order dated 30.11.2016, passed by the second respondent, the aforesaid punishment was modified to one of “postponement of increment for a period of two years, which shall not operate to postpone his future increments from the date of his original orders”. Thereafter, under the impugned order dated 12.03.2020 passed by the first respondent in the Mercy Petition filed by the petitioner, the first respondent has confirmed the order of the second respondent dated 30.11.2016. Aggrieved by the impugned orders, this writ petition has been filed.



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3. The petitioner is a Police Constable and is said to have assaulted a student with a stick and had threatened to kill the said student. Charges were framed against him in the disciplinary proceedings. The Enquiry Officer held that the petitioner was guilty of the charges. The petitioner also participated in the enquiry proceedings, and his explanation was also duly considered by the Enquiry Officer as well as by the Disciplinary Authority. Only based on the enquiry report, the third respondent (Disciplinary Authority) passed the impugned order dated 17.09.2010 imposing the punishment of “reduction in time scale of pay by three stages for three years with cumulative effect”. Even though the Disciplinary Authority passed the punishment order as early as on 17.09.2010 itself, the petitioner did not choose to file an appeal within the prescribed time before the second respondent. The petitioner who did not file the appeal before the second respondent on time, only chose to seek modification of the earlier punishment order dated 17.09.2010 passed by the third respondent before the second respondent. In fact, the second respondent has also modified the punishment imposed by the Disciplinary Authority to one of “postponement of increment for a period of two years, which shall not operate to postpone his future increments from the date of his original orders” instead of “reduction in time scale of pay by three stages for three years with



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cumulative effect”. The Mercy Petition filed by the petitioner before the first respondent in the year 2019 also came to be rejected under the impugned order passed by the first respondent on 12.03.2020. Even though the modification order was passed by the second respondent on 30.11.2016, the petitioner chose to file the Mercy Petition before the first respondent only on 18.07.2019 i.e., after a lapse of more than two years from the date of the modification order passed by the second respondent on 30.11.2016.

4. Unless and until, the impugned orders are perverse or the punishment imposed on the petitioner is disproportionate to the charges framed against the petitioner in the disciplinary proceedings, the question of interfering with the impugned order by this Court under Article 226 of the Constitution of India does not arise. The petitioner, as seen from the impugned orders, has also not exercised all his legal remedies available to him under law as he has not chosen to file the appeal aggrieved by the punishment order dated 17.09.2010 passed by the Disciplinary Authority (third respondent) before the second respondent on time, instead, he has chosen only to seek modification of the earlier punishment subsequent to the petitioner's acquittal from the criminal offence as seen from the acquittal judgment dated 12.05.2014 passed by the Criminal Court in C.C.No.88 of 2010. In fact, the petitioner's punishment has been



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reduced by the second respondent through the second respondent's modification

order dated 30.11.2016 to “one of postponement of increment for a period of two years, which shall not operate to postpone his future increments from the date of his original orders”. The Mercy Petition filed by the petitioner before the first respondent has also got rejected on 18.07.2019, Therefore, this Court does not find any infirmity in the impugned order dated 12.03.2020 passed by the first respondent in the Mercy Petition filed by the petitioner.

5. For the foregoing reasons, there is no merit in this writ petition and the same stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

16.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Secretary to Home,
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St.George Fort, Chennai-9
- 2.The Director General of Police,
Kamarajar Salai, Mylapore, Chennai-4.
- 3.The Superintendent of Police,
Madurai District, Madurai.

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ABDUL QUDDHOSE, J

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