



W.P.(MD)No.3388 of 2021

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 15.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3388 of 2021

A.Elangovan

: Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Tamil Nadu, Chennai – 4.

2.The Commissioner of Police,
Madurai City Police Commissionerate,
Madurai.

3.The Deputy Commissioner of Police,
Armed Reserve, Madurai City,
Madurai.

4.The Assistant Commissioner of Police,
Armed Reserve, Traffic Investigation Wing,
Madurai City,
Madurai.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in P.R.No.12/2008 dated 13.11.2008 and order passed by the second respondent vide C.No.D2(1)/43023/2019 dated 22.05.2020 and quash the same as an illegal and devoid of merits and consequently direct the second respondent to reinstate me in to service with all monetary, attendant and service benefits.

For Petitioner : Mr.Rajakarthikeyan

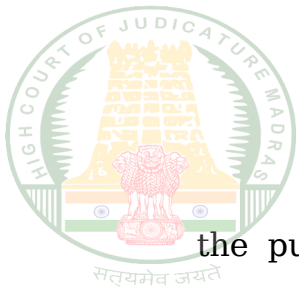
For Respondents : Mr.A.Baskaran

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned orders dated 13.11.2008 and 22.05.2020 passed by the third respondent and second respondent, respectively, dismissing the petitioner from service. A charge memo was issued against the petitioner by the respondents for his involvement in a criminal case.

2.The petitioner was a Police Constable. The disciplinary authority based on the findings in the enquiry proceedings imposed



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the punishment of dismissal from service on the petitioner by its order dated 13.11.2008.

3.Admittedly, the petitioner did not prefer any appeal aggrieved by the order of the third respondent dated 13.11.2008 on time. Therefore, the appeal filed by the petitioner was returned by the second respondent earlier since the said appeal was not filed within time. Thereafter, only in the year 2019, the petitioner had filed a Writ Petition before this Court in W.P.(MD)No.15918 of 2019, seeking liberty for the petitioner to file the appeal. By the order passed in the said Writ Petition dated 30.01.2020, the petitioner was permitted to file an appeal before the second respondent. Based on the said direction, the appeal filed by the petitioner was reconsidered by the second respondent and has been rejected under the impugned order dated 22.05.2020. Even prior to the filing of the appeal, the Mercy Petition of the petitioner was rejected on 11.04.2019.

4.The petitioner was charged in the disciplinary proceedings which resulted in dismissal from service due to the fact that he was involved in a criminal case. Though the petitioner has been acquitted thereafter by the criminal court, the criminal court



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had acquitted the petitioner only by giving benefit of doubt to the petitioner.

5.The petitioner was in police service as a Police Constable.

Therefore, the yardstick for disciplinary proceedings insofar as police service is concerned is stringent than any other regular service. The petitioner had also not approached the appellate authority on time. Admittedly, the petitioner had filed the appeal as against the order passed by the disciplinary authority ie., the third respondent dated 13.11.2008 only in the year 2019, that too, pursuant to the directions given by this Court in W.P.(MD)No.15918 of 2019 dated 30.01.2020. In fact, the petitioner's mercy petition was also rejected by the first respondent in the year 2019 itself. Admittedly, the disciplinary authority had passed the order against the petitioner dismissing the petitioner from service on 13.11.2008 itself.

6.This Court after giving due consideration to the fact that the petitioner has approached this Court belatedly, after a lapse of more than 12 years from the date when the disciplinary authority passed the order dismissing the petitioner from service, is of the view that on the ground of laches, the petitioner's case cannot be



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considered favourably by this Court. This Court has also taken into consideration the fact that the petitioner was acquitted of the criminal offence only by giving the benefit of doubt to him and it was not a case where he was found to be totally innocent with regard to the criminal charges framed against him.

7.For the foregoing reasons, this Court does not find any merit in this Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

15.09.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE., J.

MR

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