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W.P.(MD) No.7179 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.7179 of 2021

Manikandan

... Petitioner

-VS-

1.The Director General of Police
Office of the Director General of Police
Chennai

2.The Inspector General of Police
Armed Police, Trichy

3.The Commandant
Tamil Nadu Special Police XIV Battalion
Palani, Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned proceedings of the 1st respondent through his proceedings dated 11.12.2020 vide R.C.No.570694/AP.3(1)/2020 by confirming the order of the 2nd respondent dated 23.04.2020 vide C.No.A2/Appeal-04/2020 confirming the punishment given by the 3rd respondent vide PR.No.39/2019 dated 17.02.2020 u/r 3(b) of TNPSS [D & A] Rules, 1955 and quash the same.



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For Petitioner : Mr.K.Manikandan

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned orders passed by the respective respondents dismissing the petitioner from service.

2. The petitioner was a Police Constable in the respondent – Department and on account of the charges framed against him in the disciplinary proceedings, which had found to be proved, the petitioner has been dismissed from service under the impugned orders passed by the respective respondents. Aggrieved by the order of the Disciplinary Authority dismissing the petitioner from service, he preferred an appeal before the competent Authority and the same has also been dismissed. Thereafter, the petitioner submitted a revision petition before the competent Authority, which has also been dismissed. The mercy petition submitted by the petitioner before the first respondent also got dismissed. Challenging the impugned orders of the respective respondents, this writ petition has been filed.



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3. The charges framed against the petitioner in the disciplinary proceedings are that in a drunken state he had attended the parade and he has been a deserter for more than sixty days. The petitioner participated in the enquiry proceedings. Before the Enquiry Officer, the petitioner (delinquent) did not let in any oral evidence and also not examined any witness on his side. However, on the side of the respondents, they have examined seven prosecution witnesses and ten prosecution exhibits were marked in respect of the charges framed against the petitioner in the disciplinary proceedings. The petitioner claims that due to family circumstances, on account of the illness of his mother, he could not attend duty and he also claims that he had requested the Inspector of Police for leave, but the same was not sanctioned. The petitioner ought to have let in oral and documentary evidence before the Enquiry Officer to substantiate his contention that there was no deliberate act of misconduct committed by him. It is also noticed from the counter filed by the respondents before this Court that the petitioner was already punished with six punishments for his unauthorized absence and improper medical leave and according to the respondents, despite the same, the petitioner has not mended his conduct. The Police Force is a Disciplinary Force, which requires strict discipline by the



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employees. Only before the Appellate Authority, the petitioner for the first time has enclosed the medical report of his mother. The medical report is also dated 23.11.2019, whereas the date of desertion as per the charges framed against the petitioner was 31.08.2019. Therefore, the Appellate Authority has also rejected the medical report dated 23.11.2019 submitted by the petitioner as it does not have any relevance with regard to the desertion of the petitioner, which is on 31.08.2019. The charges framed against the petitioner are serious in nature, namely, in the parade conducted by the respondent – Force, the petitioner had attended the same in drunken state and he has been a deserter for more than sixty days having not obtained leave from his higher officials. When, on account of the aforesaid charges, which have been proved by the respondents in the enquiry proceedings, which are also supported by the oral and documentary evidence, as stated supra, the respondents have imposed the punishment of dismissing the petitioner from service, the question of providing an opportunity for the petitioner to produce evidence at this belated stage in a writ petition under Article 226 of the Constitution of India that too when the petitioner admittedly even before the Authorities, who have passed the impugned orders, has not been able to produce any sufficient evidence to overturn the dismissal order does not arise. This Court, under Article 226 of



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the Constitution of India, cannot re-appreciate the evidence. When only based on the evidence produced by the respondents (prosecution) before the Enquiry Officer in the form of seven prosecution witnesses with ten prosecution exhibits, the Enquiry Officer has found the petitioner guilty of the charges framed against him in the disciplinary proceedings, this Court cannot entertain the request of the learned counsel for the petitioner to remand the matter back to the respondents for fresh consideration at this belated stage. The Police being a Discipline Force, strict discipline has to be maintained by the employees. Any misbehaviour of nature, as seen from the charges framed against the petitioner, which have been proved by the Enquiry Officer, cannot be treated lightly by showing sympathy towards the petitioner.

4. For the foregoing reasons, this Court does not find any merit in this writ petition and the same is, accordingly, dismissed. No costs.

03.11.2025

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

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ABDUL QUDDHOSE, J.

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