



W.P.(MD)Nos.6530 & 6593 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)Nos.6530 & 6593 of 2021

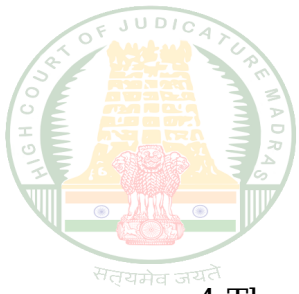
and

W.M.P.(MD)Nos.5083 & 5109 of 2021

V.Tamilselvan	: Petitioner in W.P.(MD)No.6530/2021
M.Aji Kumar	: Petitioner in W.P.(MD)No.6593/2021

Vs.

- 1.The Inspector General of Police,
Mylapore,
Chennai – 600 004.
- 2.The Additional Director General of Police,
Director of Civil Defence & Addl.Cmt.General,
Home Guards,
Chennai – 600 004.
- 3.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.



W.P.(MD)Nos.6530 & 6593 of 2021

4.The Deputy Superintendent of Police,
Armed Reserve,
Nagercoil,
Kanyakumari District.

5.The Area Commander,
Home Guards,
Nagercoil,
Kanyakumari District.

: Respondents in both Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Rc.No.A1/2796/DCD&HG/2018 & Rc.No.A1/2795/DCD&HG/2018, dated 15.02.2019, respectively and quash the same as illegal and consequently direct the third respondent to reinstate the petitioner in service of Home Guards with all consequential monetary and other benefits within a time frame stipulated by this Court.

For Petitioner : Mr.M.Kurus Celin Rani

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
[In both Writ Petitions]



W.P.(MD)Nos.6530 & 6593 of 2021

COMMON ORDER

WEB COPY

These Writ Petitions have been filed challenging the impugned orders dated 15.02.2019 passed by the second respondent and third respondents respectively, removing the petitioners from service as Home Guards. The petitioners have challenged the impugned orders on the ground of violation of principles of natural justice. The petitioners have also challenged the impugned orders on the ground that Rule 12(4) of the Tamil Nadu Home Guard Rules, 1963, which applies to the case of the petitioners have not been adhered to by the respondents.

2. According to the petitioners, no opportunity of hearing was granted to the petitioners prior to the passing of the impugned orders. The petitioners' post as Home Guard is not a permanent post. They were removed from service due to their alleged misconduct on 27.09.2013, when the Silver Jubilee Professional and Sports Meet, Malligai, 2013 was conducted in Madurai. The petitioners dispute the said misconduct. Since the petitioners have not been granted an opportunity to explain the alleged false charge made against them and the petitioners also claim that Rule 12 of the Tamil Nadu Home Guard Rule, 1963, which applies to the case of the petitioners has not been adhered to, these Writ Petitions have been filed.



W.P.(MD)Nos.6530 & 6593 of 2021

WEB COPY

3.On the other hand as seen from the counter affidavit filed by the third respondent on behalf of the respondents, they reiterated the contents of the impugned orders and would submit that only due to the misconduct, the petitioners were removed from service. According to them only after conducting enquiry, the petitioners were removed from service. However, as seen from the impugned orders there is no reference to the respondents having conducted enquiry before dismissing the petitioners from service. The petitioners categorically contend before this Court that no opportunity of hearing was granted to the petitioners and the petitioners were also not granted any opportunity to submit their explanation with regard to the charges levelled against them by the respondents. To give one more opportunity to the petitioners to disprove the charges levelled against them, in the disciplinary proceedings, this Court deems it fit to direct the respondents to reconsider the petitioners' case once again. However, this Court is for the present not quashing the impugned orders. Therefore, this Court directs the appellate authority namely the second respondent to reconsider the impugned orders which have been challenged in these Writ Petitions, in case the petitioners are able to prove that they are innocent and are not liable to be removed from service.



W.P.(MD)Nos.6530 & 6593 of 2021

WEB COPY

4. For the foregoing reasons, these Writ Petitions are disposed of, by directing the second respondent to re-consider the impugned orders both dated 15.02.2019, one passed by the second respondent and the other passed by the third respondent. In case, the petitioners are able to prove that they are innocent persons with regard to the charges levelled against them which resulted in their removal from service under the impugned orders. This Court is not expressing any opinion on the merits of the petitioners' contentions. Only to enable the petitioners to submit an explanation with regard to the charges levelled against them which according to the petitioners are false and to consider the said explanation on merits and in accordance with law, this Court is directing the second respondent to pass final orders re-considering the petitioners' case. In case the petitioners are able to prove that they are innocent, within the time frame to be fixed by this Court, the second respondent is directed to pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order. However, it is made clear that this order is passed only in respect of these petitioners who have already approached this Court through W.P. (MD)Nos.6530 and -6593 of 2021.



W.P.(MD)Nos.6530 & 6593 of 2021

WEB COPY

5. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.09.2025

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



W.P.(MD)Nos.6530 & 6593 of 2021

WEB COPY

To

- 1.The Inspector General of Police,
Mylapore,
Chennai – 600 004.
- 2.The Additional Director General of Police,
Director of Civil Defence & Addl.Cmt.General,
Home Guards,
Chennai – 600 004.
- 3.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 4.The Deputy Superintendent of Police,
Armed Reserve,
Nagercoil,
Kanyakumari District.
- 5.The Area Commander,
Home Guards,
Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD)Nos.6530 & 6593 of 2021

ABDUL QUDDHOSE., J.

MR

W.P.(MD)Nos.6530 & 6593 of 2021

12.09.2025