



W.P.(MD)No.16873 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16873 of 2025

and

W.M.P.(MD)No.12768 of 2025

T.Gajendran

... Petitioner

-VS-

1.The Deputy Inspector General of Police,
Madurai Range (I/c. Dindigul Range),
Madurai.

2.The Superintendent of Police,
Theni District, Theni.

3.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

4. A.Soorakumaran,
The Deputy Superintendent of Police,
Periyakulam Sub Division, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the second respondent in PR.No.87/2024 dated 18.02.2025, confirming the proceedings of the first respondent herein in Rc.No. AP.No.-10/A2/2025, dated 17.04.2025, and quash the same.



WEB COPY



W.P.(MD)No.16873 of 2025

For Petitioner : Mr.VR.Shanmuganathan
For R1 to R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This writ petition has been filed seeking to quash the proceedings issued by the second respondent in PR.No.87/2024 dated 18.02.2025, whereby the second respondent confirmed the proceedings of the first respondent passed in Rc.No.AP.No.-10/A2/2025, dated 17.04.2025.

2. The learned counsel for the petitioner submits that the petitioner is a senior police officer with an unblemished and meritorious service record, since his induction as Sub-Inspector on 01.03.1996 and subsequent promotion as Inspector on 11.02.2011. He has consistently discharged his duties with integrity and professionalism. The disciplinary action arose from incidents that occurred during his sanctioned leave. The petitioner had no role either in the investigation or in the registration of the communal violence-related cases (Cr.No.4/2023 and Cr.No.233/2024) at Devathanapatti Police Station. Further, he was not the investigating officer nor he was on duty at the relevant point of time.



W.P.(MD)No.16873 of 2025

WEB COPY

3. The learned counsel further submits that the petitioner availed casual leave on 07.07.2024 and 08.07.2024 with prior approval and made proper in-charge arrangements. Despite the same, he was unfairly blamed for the incident that occurred during his leave. The adverse report and subsequent proceedings were initiated at the instance of the fourth respondent (DSP), who was allegedly aggrieved due to a reprimand from his superior (second respondent). The disciplinary proceedings were clearly tainted with personal malice and lack *bona fide*.

4. The learned counsel further submits that the initial punishment of Censure imposed on 13.09.2024 was without affording the petitioner a reasonable opportunity of hearing. This was duly recognized by this Court in W.P.(MD)No. 20196 of 2024, which set aside the punishment and directed reconsideration. Despite the petitioner submitting a detailed explanation on 28.01.2025 pursuant to the Court's directions, the second respondent re-issued the same punishment order dated 18.02.2025 in a mechanical manner.



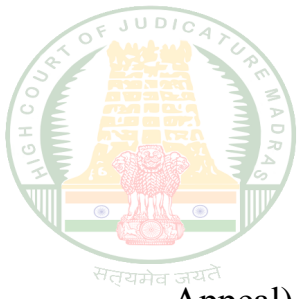
W.P.(MD)No.16873 of 2025

WEB COPY

5. The learned counsel further submits that the appeal preferred by the petitioner was summarily dismissed by the first respondent on 17.04.2025 through a non-speaking order, failing to address the specific grounds raised by the petitioner. The entire disciplinary process is arbitrary, vindictive and legally unsustainable. It not only causes grave prejudice to the petitioner's dignity and service record but also violates Articles 14 and 21 of the Constitution of India. Hence, the learned counsel for the petitioner prays that the impugned punishment order dated 18.02.2025, as confirmed by the order dated 17.04.2025 be quashed, and the petitioner's service record be restored without blemish.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that the impugned censure order was issued after following due procedure, particularly, in compliance with the directions issued by this Court in W.P.(MD)No.20196 of 2024. The petitioner was afforded an opportunity to submit his explanation, which was duly considered.

7. It is further submitted that the punishment of Censure is only a minor penalty under the Tamil Nadu Police Subordinate Services (Discipline and



W.P.(MD)No.16873 of 2025

Appeal) Rules, 1955 and was imposed considering the petitioner's failure to maintain effective supervision and vigilance during a sensitive period, which resulted in a law-and-order situation. The appellate authority (first respondent) considered the appeal and rejected it on merits. Merely because the order is not detailed, it cannot be said to be arbitrary or without jurisdiction. Most importantly, it is submitted that as per Rule 15-A of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, the petitioner has an effective remedy of review before the Government against the order passed by the first respondent. Without exhausting the said remedy, the writ petition is premature and not maintainable under Article 226 of the Constitution of India. Hence, it is prayed that the writ petition may be dismissed on the ground of availability of an alternative statutory remedy, with liberty to the petitioner to approach the Government by way of a review petition in accordance with law.

8. This Court, having considered the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3, is of the view that the petitioner has an effective alternative remedy of review before the Government against the order passed by the first



W.P.(MD)No.16873 of 2025

respondent. Accordingly, this writ petition is dismissed with liberty to the petitioner to approach the Government by filing a review petition within a period of two (2) weeks from the date of receipt of a copy of this order. On such petition being filed, the Government is directed to consider the same on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, and pass appropriate orders within a further period of six (6) weeks. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

24.06.2025

To:-

- 1.The Deputy Inspector General of Police,
Madurai Range (I/c. Dindigul Range),
Madurai.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.



WEB COPY



W.P.(MD)No.16873 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.16873 of 2025

24.06.2025