



W.P.(MD)No.15252 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.15252 of 2023

and

W.M.P.(MD)No.12863 of 2023

M.Samy

: Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Tamil Nadu,
Chennai – 600 004.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

3.The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

: Respondents

[R3 is suo motu impleaded by this Court vide order dated
29.10.2025]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent by his proceedings in RC.No.226338/2(3)/2012 dated 02.11.2014 modifying the order passed by the second respondent in his proceedings C.No.F1/PR44/2011 dated 06.02.2012 and to quash the same and consequentially directing the respondents to grant all monetary benefits within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.A.Baskaran

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned orders passed by the respective respondents. Originally under the impugned order dated 06.02.2012, the second respondent has imposed the punishment of postponement of increment for three years with cumulative effect. The same has been modified by the first respondent through his order dated 02.11.2014, by imposing the punishment of postponement of increment for three years without cumulative effect.



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2. Learned Counsel for the petitioner has placed on record a copy of the mercy petition given by the petitioner to the Government dated 18.08.2015, seeking for cancellation of the punishment orders. Learned Counsel for the petitioner would submit that till date, the mercy petition dated 18.08.2015 has not been considered by the Government. Learned Counsel for the petitioner also submits that for the present, the petitioner will be satisfied if a direction is issued to the Government to consider the mercy petition dated 18.08.2015 submitted by the petitioner on merits and in accordance with law within a time frame to be fixed by this Court.

3. The petitioner claims that he is totally innocent in respect of the charges framed against him in the disciplinary proceedings. As seen from the charges framed against the petitioner in the disciplinary proceedings, he has been charged for the reason that he has suppressed his first marriage and he is having an illegal intimacy with a women police constable. The petitioner claims that without any evidence and without there being a complaint given either by the legally wedded wife of the petitioner or the women with whom the respondents claim that the petitioner was living at the relevant point of time, the enquiry officer in his report has found the petitioner guilty of the charges.



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4.No prejudice will be caused to the respondents, if a direction is given to the Government to consider the mercy petition filed by the petitioner on 18.08.2015, on merits and in accordance with law within a time frame to be fixed by this Court.

5.Since the Government is not a party respondent in this Writ Petition, this Court by exercising its *suo motu* powers impleads the Home Secretary, Government of Tamil Nadu, Fort St. George, Chennai – 09, as a party third respondent in this Writ Petition. The Registry is directed to carry out the amendment accordingly.

6.This Court is not expressing any opinion on the merits of the petitioner's mercy petition. It is for the Government to consider the same on merits and in accordance with law. Accordingly, this Court directs the newly impleaded third respondent to pass final orders on merits and in accordance with law on the petitioner's mercy petition dated 18.08.2015, within a period of four [4] months from the date of receipt of a copy of the order.



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7. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

29.10.2025

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



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ABDUL QUDDHOSE., J.

MR

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