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W.P.(MD) Nos.17318 & 20260 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) Nos.17318 & 20260 of 2022

W.P.(MD) No.17318 of 2022:

K.Narmadha

... Petitioner

-vs-

1.The Deputy Inspector General of Police
Ramanathapuram Range
Collectorate Campus
Ramanathapuram

2.The Superintendent of Police
District Police Office
Collectorate Campus
Sivagangai

3.The Additional Chief Secretary
to the Government
Tamilnadu Government
St.George Fort
Chennai-600 001

... Respondents



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W.P.(MD) Nos.17318 & 20260 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the second respondent pertaining to his order in PR No.06/2011 u/r 3(b) Sivagangai District dated 08.01.2015 on the file of second respondent and to quash the same as illegal, unlawful and invalid in the eyes of law.

For Petitioner : Mr.M.Arun Pandian
for Mr.M.Gurudas

For Respondents : Mr.A.Baskaran
Additional Government Pleader

W.P.(MD) No.20260 of 2022:

K.Narmadha

... Petitioner

-vs-

1.The Deputy Inspector General of Police
Ramanathapuram Range
Collectorate Campus
Ramanathapuram

2.The Superintendent of Police
District Police Office
Collectorate Campus
Sivagangai

3.The Additional Chief Secretary
to the Government
Tamilnadu Government
St.George Fort, Chennai-600 001

... Respondents

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W.P.(MD) Nos.17318 & 20260 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the 2nd respondent pertaining to his order in PR No.32/2022 u/r3(a) of Sivagangai District dated 17.04.2015 on the file of 2nd respondent and to quash the same as illegal, unlawful and invalid in the eyes of law.

For Petitioner : Mr.M.Arun Pandian
for Mr.M.Gurudas

For Respondents : Mr.A.Baskaran
Additional Government Pleader

COMMON ORDER

W.P.(MD) No.17318 of 2022 has been filed challenging the impugned punishment order dated 08.01.2015, passed by the first respondent (It is stated that it was wrongly mentioned as second respondent in the prayer portion), imposing the punishment of “postponement of increment for two years, which shall not operate to postpone future increments”.



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2. W.P.(MD) No.20260 of 2022 has been filed by the very same petitioner challenging the impugned punishment order dated 17.04.2015, passed by the first respondent (It is also stated that it was wrongly mentioned as second respondent in the prayer portion), imposing the punishment of “postponement of increment for one year, which shall not operate to postpone future increments”.

3. Since the very same petitioner is involved in both the impugned punishment orders and the issues involved in both writ petitions are interconnected, these writ petitions are disposed of by this common order.

4. The petitioner was a Sub Inspector of Police at the time when disciplinary proceedings were initiated against her by the respondents.

5. In W.P.(MD) No.17318 of 2022, disciplinary proceedings were initiated against the petitioner by framing charges against her on account of the allegation levelled against her that she instigated the press reporters to publish news articles in the newspapers targeting the image of the Superintendent of Police.



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6. The grievance of the petitioner was that the Superintendent of Police had ignored the sexual harassment complaint given by her against one Senthamaraikannan, who was working as a Head Constable, and did not take action against him. In the disciplinary proceedings, an Enquiry Officer was appointed and the petitioner participated in the said enquiry proceedings. However, the petitioner did not choose to let in any oral or documentary evidence to defend the charges framed against her. On the other hand, the respondents examined 29 witnesses and 72 documents were marked to prove the prosecution case. The Enquiry Officer, in his report submitted to the respondents, has found that the petitioner is guilty of the charges framed against her in the disciplinary proceedings. Based on the findings rendered by the Enquiry Officer, the first respondent (Disciplinary Authority) passed the impugned order dated 08.01.2015, imposing the punishment of “postponement of increment for two years, which shall not operate to postpone future increments”.

7. Apart from the aforesaid disciplinary proceedings, the petitioner had to face another disciplinary proceeding initiated against her by the respondents, which is the subject matter of W.P.(MD) No.20260 of 2022. The



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charges framed against the petitioner in the said disciplinary proceedings are that without obtaining prior permission from the respondents, she had put up construction in violation of Rule 9(1)(a) & (b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964. A separate enquiry was conducted in respect of the second disciplinary proceedings as well. The petitioner also participated in the said enquiry proceedings. In the second disciplinary proceedings initiated against the petitioner, she has produced 11 documents, but however, no witness was examined on her (delinquent) side. On the side of the prosecution, 5 witnesses were examined and 24 documents were marked in order to prove the prosecution case. The Enquiry Officer, in his report submitted to the respondents, has given a categorical finding that the petitioner has violated Rule 9(1)(a) & (b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, by not obtaining prior permission for putting up construction and hence, the Enquiry Officer found that the petitioner is guilty of the charges framed against her in the disciplinary proceedings. Based on the findings rendered by the Enquiry Officer, the first respondent (Disciplinary Authority) passed the impugned order dated 17.04.2015, imposing the punishment of “postponement of increment for one year, which shall not operate to postpone future increments”.



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8. Aggrieved by the impugned punishment orders dated 08.01.2015 as well as 17.04.2015, the petitioner has filed the present writ petitions challenging those punishment orders.

9. SUBMISSIONS OF THE PETITIONER'S COUNSEL:

9.1. Learned counsel for the petitioner submitted as follows:

- (a) Only due to the sexual harassment complaint given by the petitioner against one Senthamaraikannan (Head Constable), who was very close to the Superintendent of Police, by way of vindictiveness, the petitioner has been charged in the disciplinary proceedings.
- (b) The petitioner never instigated the press reporters to publish news articles in the newspapers targeting the image of the Superintendent.
- (c) The petitioner was not allowed to place on record the findings rendered by Sri.Lakshmi Prasath



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(IGP Enquiry Report) before the Enquiry Officer, despite a specific request having been made by the petitioner to the Enquiry Officer to allow her to place on record the said report. According to the learned counsel for the petitioner, in the said One Man Commission Report, a finding has been rendered that there is no conclusive evidence that the petitioner is totally responsible for the publication of the news items. Therefore, he would submit that if the same was allowed to be placed on record, the petitioner would not have been punished.

9.2. Learned counsel for the petitioner also drew the attention of this Court to a decision of the Honourable Supreme Court in the case of ***M/s.Godrej Sara Lee Ltd. vs. The Excise and Taxation Officer-cum-Assessing Authority and others***, dated 01.02.2023, rendered in Civil Appeal No.5393 of 2010 and would submit that even though an appeal was not filed before the competent Appellate Authority as against the impugned



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punishment orders, this Court is still having the power to pass orders in favour of the petitioner through these writ petition filed under Article 226 of the Constitution of India. Therefore, he would submit that even though appeal was not filed by the petitioner on the ground that she will not be able to get justice from the competent Appellate Authority, these writ petitions are still maintainable.

9.3. Learned counsel for the petitioner also drew the attention of this Court to Rule 9(1)(a) & (b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, and would submit that as per the said Rule, it would suffice for the petitioner to intimate the respondents about the proposed construction and there is no necessity to get prior permission for proceeding with the construction. Therefore, he would submit that the first respondent, by total non-application of mind to Rule 9(1)(a) & (b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, has passed the impugned punishment order against the petitioner, which is the subject matter of challenge in W.P.(MD) No.20260 of 2022.



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10. SUBMISSIONS OF THE ADDITIONAL GOVERNMENT

PLEADER:

10.1. On the other hand, learned Additional Government Pleader appearing for the respondents, would submit that these writ petitions are not maintainable, since an alternate appeal remedy is available to the petitioner. According to him, without exercising the right of appeal, the petitioner has filed these writ petitions directly, which are not maintainable. At the outset, he would also submit that these writ petitions have to be dismissed on the ground of laches, since the impugned orders were passed by the first respondent as early as on 08.01.2015 and 17.04.2015, whereas these writ petitions were filed only in the year 2022.

10.2. Learned Additional Government Pleader appearing for the respondents would submit as follows:

- (a) Only based on the preponderance of probability, the Enquiry Officer has found the petitioner guilty of the charges framed against her in the disciplinary proceedings.



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- (b) The petitioner is having close contacts with the reporters of the newspapers, which have published the news articles targeting the image of the Superintendent of Police. The said fact has also been taken note of by the Enquiry Officer and only thereafter, the Enquiry Officer has come to the correct conclusion that the petitioner is guilty of the charges framed against her in the disciplinary proceedings, which is the subject matter of W.P.(MD) No.17318 of 2022.
- (c) Before the Enquiry Officer, the respondents had examined 29 witnesses and 72 documents were marked as exhibits on the side of the prosecution in respect of the charges framed against the petitioner, which are the subject matter of W.P.(MD) No.17318 of 2022.
- (d) Similarly, in respect of the charges framed against the petitioner, which are the subject matter of W.P.(MD) No.20260 of 2022, the



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respondents had examined 5 witnesses and 24 documents were marked as exhibits to prove the prosecution case.

- (e) However, on the other hand, the petitioner, in both the disciplinary proceedings, never examined himself as witness and in respect of the charges framed against her, which are the subject matter of W.P.(MD) No.17318 of 2022, no witness was examined and no document was marked and only in respect of the charges framed against her, which are the subject matter of W.P.(MD) No.20260 of 2022, 11 documents were marked and no witness was examined.
- (f) Rule 9(1)(a) & (b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, makes it clear that prior permission is required from the respondents before putting up construction. Having not obtained prior permission from the respondents, the Enquiry Officer has rightly



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come to the conclusion that the charges framed against the petitioner in the disciplinary proceedings, which are the subject matter of W.P.(MD) No.20260 of 2022, are proved.

- (g) Mr.Senthamaraikannan, a Head Constable, against whom the petitioner had given a sexual harassment complaint, has also been punished by the respondents through the disciplinary proceedings initiated against him by the punishment order dated 08.01.2015 and the same punishment was imposed on him as well.
- (h) The petitioner, subsequent to the filing of these writ petitions, after expiry of the the currency period of punishment imposed on her, has also been promoted to the post of Inspector of Police and therefore, at this belated stage, this Court need not interfere with the impugned punishment orders.



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11. DISCUSSION:

11.1. The following are the undisputed facts:

- (a) The impugned punishment orders, which are the subject matter of challenge in these writ petitions, were passed on 08.01.2015 and 17.04.2015 respectively. However, the petitioner has chosen to challenge those punishment orders only in the year 2022 by filing these writ petitions. In the affidavits filed in respect of these writ petitions, the petitioner has not given any explanation whatsoever as to why there was a delay on her part in filing these writ petitions belatedly i.e., after a lapse of almost seven years from the date of passing of the impugned punishment orders.
- (b) Clear findings have been rendered by the Enquiry Officer, who had conducted enquiry in the disciplinary proceedings initiated against the



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petitioner, which are the subject matter of these writ petitions, and they are as follows:

- (i) The petitioner is closely connected with the press reporters, who had published the news articles targeting the image of the Superintendent of Police.
- (ii) The call details of the press reporters, with whom the petitioner was having close contacts, were also taken into consideration by the Enquiry Officer for coming to the conclusion that the petitioner is guilty of the charges framed against her in the disciplinary proceedings.
- (iii) The petitioner never chose to examine any witness in both disciplinary proceedings. Insofar as the charges framed against the



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petitioner in respect of publication of news articles in newspapers targeting the image of the Superintendent of Police, no document was filed by the petitioner to substantiate her case that she is innocent.

- (c) The One Man Commission Report (Sri.Lakshmi Prasath, IGP Enquiry Report), which the petitioner relies upon before this Court, does not give a clean chit to the petitioner as it states that needle of suspicion on account of the petitioner's close contacts with the press reporters points towards her. Even if the said One Man Commission Report (Sri.Lakshmi Prasath, IGP Enquiry Report) was allowed to be placed on record in the enquiry proceedings, it will not enure to the benefit of the petitioner to prove her innocence.



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11.2. Rule 9(1)(a)&(b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, reads as follows:

“(1)(a) No Police officer shall except after notice to the prescribed authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift, exchange or otherwise either in his own name or in the name of any member of this family:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer, shall require the previous sanction of the prescribed authority.

Such a notice will be necessary even where any immovable property is acquired by any member of the family of the police officer out of the resources of the Police officer.

(b) Every member of the service, for the construction or extension of a house, shall report to the prescribed authority in the following manner:

(i) Before starting the construction or extension, he shall report or seek permission as the case may be, in Form VI in Schedule I appended to these rules.



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- (ii) *After completing the construction or extension, he shall report in Form VII in Schedule I appended to these rules.*
- (iii) *The details in Form VI and VII in Schedule I appended to these rules shall be furnished whenever it is possible to do so. Where, however, it is not possible to furnish the details he shall mention the covered area on which the building is proposed to be erected and the estimated cost of the building.”*

11.3. Admittedly, the request of the petitioner seeking permission to construct building has been rejected by the respondents by their communication dated 31.04.2010. The proviso to Rule 9(1)(a) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, makes it clear that previous sanction of the authority concerned is required, provided that any such transaction conducted otherwise than through a regular or reputed dealer.



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11.4. Learned counsel for the petitioner contends that since the petitioner had availed loan from M/s.LIC Housing Finance Limited, which, according to the petitioner, is a reputed dealer, the petitioner has satisfied the requirements of Rule 9(1)(a)&(b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964 and therefore, there is no necessity for the petitioner to obtain prior permission from the respondents for putting up construction and it would suffice if the respondents are intimated by the petitioner about her proposed construction. The said argument has to be rejected by this Court in view of the fact that availing of loan by the petitioner for putting up construction is immaterial for the purpose of satisfying Rule 9(1)(a)&(b) of the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964. When any improvement is made by the petitioner to her property by putting up construction, necessarily permission will have to be obtained from the respondents as the said construction will certainly enhance the value of the property.

11.5. The petitioner has also not chosen to file any appeal as against the impugned punishment orders before the competent Appellate



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Authority, but, instead, has chosen to file these writ petitions directly before this Court under Article 226 of the Constitution of India.

11.6. The decision of the Honourable Supreme Court relied upon by the learned counsel for the petitioner in the case of ***M/s.Godrej Sara Lee Ltd. vs. The Excise and Taxation Officer-cum-Assessing Authority and others***, dated 01.02.2023, rendered in Civil Appeal No.5393 of 2010, referred to supra, has no bearing for the facts of the instant case. There is no doubt with the proposition that the power of this Court to issue prerogative writs under Article 226 of the Constitution of India is plenary in nature and there is no limitation on the exercise of the powers by this Court under Article 226 of the Constitution of India. However, in the affidavits filed in support of these writ petitions, the petitioner ought to have given her explanation as to why she has not preferred any appeal as against the impugned punishment orders. But, as seen from the respective affidavits filed in support of these writ petitions, there is absolutely no whisper of any explanation submitted by the petitioner for not preferring appeals before the competent Appellate Authority. While that be so, the question of entertaining these writ petitions does not arise.



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11.7. Only based on the preponderance of probability, the Enquiry Officer, in both disciplinary proceedings, has rendered a finding against the petitioner by holding that the charges framed against her have been proved by the prosecution.

12. CONCLUSION:

12.1. For the foregoing reasons, both on the grounds of laches as well as on merits, this Court does not find any scope for interference in these writ petitions. The findings rendered by the Enquiry Officer are only based on the evidence placed on record and this Court does not find any perversity in the same. This Court cannot re-appreciate the evidence, when, only based on the evidence, the Enquiry Officer has come to the right conclusion that the petitioner is guilty of the charges framed against her in the disciplinary proceedings. It is also to be noted that subsequent to the filing of these writ petitions, after expiry of the currency period of punishment under the impugned punishment orders, the petitioner has been promoted to the post of Inspector of Police.



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12.2. In the result, there is no merit in these writ petitions and the same are, accordingly, dismissed. No costs.

19.11.2025

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

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To:

- 1.The Deputy Inspector General of Police,
Ramanathapuram Range,
Collectorate Campus,
Ramanathapuram.
- 2.The Superintendent of Police,
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ABDUL QUDDHOSE, J.

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