



W.P.(MD)No.17307 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17307 of 2025

and

W.M.P.(MD)Nos.13198 and 13199 of 2025

Selvam, PC-2367,
(Removed from Service),
'G' Company (Attached HQ),
TSP, 1st Battalion, Trichy.

... Petitioner

-VS-

1.The Director General of Police,
State of Tamil Nadu, Chennai.

2.The Inspector General of Police,
Armed Police, Trichy.

3.The Commandant,
TSP, 1st Battalion,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating with the order passed by the third respondent vide his proceeding in P.R.No.16/2024 u/r. 3(b) dated 31.03.2025 and quash the same as it is illegal and in consequence to direct him to reinstate the petitioner in the office of the third respondent with all attendant benefits.



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For Petitioner : Mr.R.Suirya Narayanan
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by the third respondent in P.R.No.16/2024, dated 31.03.2025, issued under Rule 3(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and consequently, to direct the third respondent to reinstate the petitioner in service with all attendant and consequential benefits.

2. The learned counsel for the petitioner submits that the petitioner was appointed as a 'Grade II Police Constable' under the sports quota on 30.01.2011 and has rendered service in both Palani and later Tiruchirapalli Battalion. His earlier removal from service was already set aside by this Court in W.P.(MD)No. 18193/2020, dated 18.10.2022 and he was accordingly reinstated. A minor penalty of withholding of increment for two years with cumulative effect was subsequently imposed on 04.03.2024, which the petitioner accepted and complied with.

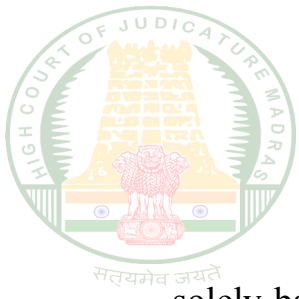


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3. The learned counsel further submits that on 29.07.2024, the petitioner was wrongly implicated in Crime No.235/2024, under Sections 318(2), 112(2) r/w. 62 BNS, solely based on a purported confession by third parties, who falsely claimed that they acted under the petitioner's instruction in pledging spurious gold jewels. No credible or direct evidence links the petitioner to the alleged offence. Based solely on this unsubstantiated FIR, the petitioner was suspended on 10.09.2024 and a charge memo was issued on 18.09.2024, alleging lack of integrity.

4. The learned counsel further submits that in the departmental enquiry, three witnesses were examined and 12 documents were marked. The petitioner clearly explained that he only lent money to a third party, who had provided gold jewels as collateral security. He was unaware that the jewels were spurious and no *mala fide* intent or misconduct was established. Despite submitting a detailed representation on 19.03.2025, the third respondent passed a final order of removal from service on 31.03.2025, without properly considering the evidence, explanation or the legal presumption of innocence in a pending criminal case. Therefore, it is submitted that initiating and concluding disciplinary proceedings



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solely based on an unproven FIR, without even a charge sheet being filed in the criminal case, is premature, arbitrary and legally unsustainable.

5. In light of the above, the learned counsel submits that the impugned order of removal from service is liable to be quashed and the petitioner is entitled to reinstatement with all attendant benefits.

6. The learned Special Government Pleader appearing for the respondents submits that the impugned order of removal from service dated 31.03.2025 has been passed after following due procedure, including issuance of a charge memo, a full-fledged departmental enquiry and providing the petitioner an opportunity to submit his explanation.

7. It is further submitted that the departmental action was initiated independently of the criminal case and was based on the petitioner's admitted transaction involving pledged jewels, raising serious questions of integrity and conduct, especially in a disciplined force like the police.



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8. The learned Special Government Pleader further contends that the writ petition is not maintainable at this stage in view of the fact that the petitioner has an efficacious alternative remedy by way of an appeal under Rule 5 of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. The appropriate appellate authority under the Rules is competent to examine the petitioner's grievances, including his claim of innocence and procedural irregularities, if any, in the enquiry proceedings.

9. In the light of the above, this Writ Petition is dismissed as not maintainable, granting liberty to the petitioner to approach the appropriate appellate authority by filing an appeal under Rule 5 of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, within a period of two weeks from the date of receipt of a copy of this order and raise all the grounds raised in this writ petition in the appeal. In the event, if any appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the same shall be entertained by the appellate authority without reference to the period of limitation and disposed of in accordance with law, within a period of three



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months thereafter. There shall be no order as to costs. Consequently, connected

Miscellaneous Petitions are closed.

NCC : Yes / No

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Index : Yes / No

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VIVEK KUMAR SINGH, J.

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