



W.A(MD) No.1324 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A(MD) No.1324 of 2022
&
C.M.P.(MD)No.10332 of 2022**

1.The Director General of Police,
Law and Order,
Chennai-600 004.

2.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

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

4.The Deputy Superintendent of Police,
Vedasanthoor Sub-Division,
Dindigul District.

... Appellants

Vs.

Saravanakumar

... Respondent



W.A(MD) No.1324 of 2022

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the writ appeal by setting aside the order passed in W.P.(MD)No.7938 of 2021, dated 29.07.2021.

For Appellants : Mr.A.Baskaran
Additional Government Pleader

For Respondent : Mr.G.Prabhu Rajadurai
for Mr.Karthik Raja

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.Thiru.Saravana Kumar joined the police department as Grade II Police Constable in the year 2002. Since he was part of the SIT that tracked down sandalwood smuggler Veerappan, he was given accelerated promotion as Grade I Police Constable in the year 2004. In the year 2015, he was issued with charge memo vide P.R No.116/2015 under Rule 3(a) of Tamil Nadu Police Subordinate Services (D&A) Rules, 1955. The charge memo dated 31.07.2015 contains the following article of charge :



W.A(MD) No.1324 of 2022

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இணைப்பு - I

முதல்திணைக் காவல் 1636, திரு.சுவாமிநாதன், சாமிநாதபுரம் காவல் நிலையம், திண்டுக்கல் மாவட்டம் ஆகிய உட்கு எதிராக எழுந்தவதற்கு கருதப்பட்டுள்ள துறைகளின் கீழ் தீர்மானம் எடுத்த அட்டவணை.

குறிப்புகள்

திண்டுக்கல் மாவட்டம், சாமிநாதபுரம் காவல்துறையினரின் பணிபுரிந்த திரு.சுவாமிநாதன், முதல்திணைக் காவல் 1636 ஆகிய நீர், திண்டுக்கல் R.M.காலனி, கதவு எண். HB 58-ல் வசித்து வரும் முருகேசன் மனைவி திருமதி. அமுதா என்பவர் திண்டுக்கல் R.M.காலனி, கதவு எண். HB 55-ல் வசித்துவரும் பாண்டியலட்சுமி, க.பெ. பாண்டியலட்சுமி என்பவர்களுடன் சேர்ந்தவராக கதவு எண். HB 59, R.M. காலனி என்ற வீட்டை கடந்த 22.10.2012-ம் தேதி முதல் 2 வருட காலத்திற்கு ரூ.2,50,000/- க்கு ஒத்திக்கு பேசி குடியிருந்து வந்த நிலையில் இருவருக்கும் கருந்தா வேலுமணி ஏற்பட்டதால் அமுதாவின் மீட்டிங் பாண்டியலட்சுமி தன்னைவரும், மிஸ்தாபத்தாபுரம் நிறுவனத்தால் கிண்படி அமுதா ஒத்தி காலம் முடிவடைவதற்கு முன்பு அந்த வீட்டிலிருந்து மாநீ தரிசுபயம் HB 58 என்ற வீட்டில் குடியிருந்துவருகிறார். தனது ஏற்கனவே குடியிருந்த HB 59 வீட்டை அவரது பொறுப்பில் வைத்து வருவதால் ஒத்திப்பணம் தொடர்பாக இருதரப்பினருக்கும் வர்க்குவாதம் ஏற்பட்டு வந்ததால், கடந்த 26.11.2014-ல் நவர் மேற்கு காவல்துறையினரின் இடப்பிச்சை கமிஷனாக விசாரணை செய்ததில் ரூ.50,000/- மட்டும் பாண்டியலட்சுமி அமுதாவிற்கு கொடுத்தும் மீதமுள்ள ரூ.2,10,000/- யை பிறகு கொடுப்பதாக ஏழுதி கைகொடுப்பிட்டு கொடுத்துள்ளார். இதனை தொடர்ந்து அன்றைய தினம் 21.00 மணியளவில் நீர், உமது நாய்மார் சங்கையாபிள்ளை மற்றும் நீர் துறைய தொடர்பு வைத்திருக்கும் பாண்டியலட்சுமி ஆகியோர்களுடன் சேர்ந்துகொண்டு அமுதா, அவரது கணவர் முருகேசன் மற்றும் அவரது நாய்மார் முத்துச்சாமி ஆகியோர்களை வழிமறித்து அசிங்கமாக பேசி, கொலைமிரட்டல் மீட்டிங் உட்கு உட்கு மூவர் மீதும் திண்டுக்கல் நவர் மேற்கு காவல்துறையினரின் குற்ற எண். 427/14 U/s: 294(b), 341, 506(i) IPC-படி வழக்குப்பதிவு செய்யப்பட ஏதுவாகவும், சாட்சிகளாகவும் நடந்து கண்ணியமீட்க் காவல்துறைக்கு களங்கம் ஏற்படும் வகையில் நடந்து கொண்ட கண்டிக்கத்தக்க குற்றமுறு செய்கை.

7/10

மாவல் திண்டுக்கல், திண்டுக்கல் மாவட்டம், திண்டுக்கல்.

21/10
Received copy



W.A(MD) No.1324 of 2022

Enquiry was conducted and the writ petitioner was removed from service vide order dated 24.04.2017. Aggrieved by the same, the petitioner filed an appeal before the appellate authority. The appellate authority vide order dated 16.06.2017 modified the punishment to one of compulsory retirement. The review petition filed by him before the DG of Police was dismissed on 11.08.2018. Challenging the said orders, W.P.(MD)No. 7938 of 2021 was filed. The learned single Judge vide order dated 29.07.2021 set them aside and directed reinstatement of the writ petitioner. Aggrieved by the same, the department has filed this writ appeal.

3. Even before the matter could be taken for disposal, the learned counsel appearing for the writ petitioner / respondent on instructions from the writ petitioner, who is present in person, submitted that the writ petitioner would forego the backwages for the period from the date of removal from service till the date when the writ petition was allowed. It was further undertaken by him that the backwages to be paid for the period from 29.07.2021 till the date of reinstatement can be paid to his divorced wife Pandiselvi who is expected to utilise the same for her



W.A(MD) No.1324 of 2022

benefit and for the daughter's marriage. This undertaking given by the writ petitioner through his counsel is placed on record.

4.It is not in dispute that the criminal case registered against the writ petitioner in Crime No.427 of 2014 on the file of the Dindigul Town West Police Station was charge sheeted and taken on file in C.C NO.152 of 2015 on the file of the Judicial Magistrate No.1, Dindigul and ended in acquittal. The writ petitioner figured as A2 while his father Sangaiah figured as A3. Pandiyalakshmi, wife of Paulraj, figured as A1. Amudha and Murugesan who were examined as witnesses in the departmental enquiry figured as PW.1 and PW.2.

5.Our attention is drawn to the decision of the Hon'ble Supreme Court reported in **(2024) 1 SCC 175 (Ram Lal Vs. State of Rajasthan)**. It was held therein that where the charges are identical and the evidences, witnesses and circumstances are the same, the disciplinary proceedings initiated by the employer cannot be allowed to stand in the teeth of the judgment of acquittal. Paragraph No.13 of the said Judgment is as follows:-



W.A(MD) No.1324 of 2022

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“13. However, if the charges in the departmental enquiry and the criminal court are identical or similar, and if the evidence, witnesses and circumstances are one and the same, then the matter acquires a different dimension. If the court in judicial review concludes that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge, the Court in judicial review can grant redress in certain circumstances. The court will be entitled to exercise its discretion and grant relief, if it concludes that allowing the findings in the disciplinary proceedings to stand will be unjust, unfair and oppressive.”

6.The aforesaid decision squarely applies to the case on hand. One Pandiyalakshmi owned the petition mentioned property. It was let out in favour of one Amutha on othi. Amutha vacated the house. She demanded that Pandiyalakshmi should refund the advance amount of Rs.2,60,000/-. Since Pandiyalakshmi did not refund the same, Amutha lodged a police complaint. Pandiyalakshmi was summoned to the police station. Pandiyalakshmi is said to have paid Rs.50,000/- in the station itself. She was called upon to refund the balance amount shortly. Aggrieved by this development, Pandiyalakshmi tried to commit suicide. In the wake of this development, the aforesaid criminal case was



W.A(MD) No.1324 of 2022

registered against Pandiyalakshmi. The writ petitioner as well as his father were also implicated as co-accused. Even though it is not a part of the charge, an insinuation has been made that the writ petitioner was having illicit intimacy with the said Pandiyalakshmi who is said to be a widow and that is why, he chose to intervene on her side against Amutha. As rightly pointed by the petitioner's counsel, the relationship between the writ petitioner and Pandiyalakshmi, though referred to, is not the subject matter of the charge. We are satisfied that when once the petitioner had been acquitted by the competent criminal court, the contrary finding of the disciplinary authority cannot be allowed to stand and hence, the learned Single Judge rightly interfered in the matter.

7.The order of the learned single Judge is confirmed. The writ appeal is dismissed. The writ petitioner shall be reinstated in service forthwith, in any event, within four weeks from the date of receipt of a copy of this order. The writ petitioner himself has given up the claim for backwages from the date of dismissal till the date when the writ petition was allowed. However, the period from the date of removal from service till the date of reinstatement will be counted for all other benefits



W.A(MD) No.1324 of 2022

including pension. The writ petitioner is entitled to full backwages from the date when the writ petition was allowed till the date of reinstatement.

This amount shall be credited directly by the department to the account of the writ petitioner's divorced wife Pandiselvi.

8.The Writ Appeal is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) & (R.K.M., J.)
08.12.2025

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

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W.A(MD) No.1324 of 2022

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rmi/skm

W.P(MD) No.1324 of 2022

08.12.2025