



W.A(MD) No.156 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08.12.2025

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

W.A(MD) No.156 of 2021

K.Ramalakshmi

... Appellant

Vs.

1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Home Department, Chennai.

2.The Director General of Police, Chennai-4.

3.The Deputy Inspector General of Police,
Madurai Range, Madurai.

4.The Superintendent of Police,
Virudhunagar District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.11.2019 passed by this Court in W.P.(MD)No.5430 of 2010 and allow the writ appeal as prayed for.



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For Petitioners : Mr.A.Nawaz Khan
For Respondent : Mr.S.S.Madhavan
Additional Government Pleader for R1
: Mr.Gnanasekaran
Government Advocate (crl.side)
for R2 to R4

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Thiru.Kaliraj was appointed as Grade II Police Constable in the year 1985. When he was working in the Rajapalayam North Police Station, on 24.01.2004, he did not report for duty at 05.00 pm. He reported for duty only at 09.00 pm in an inebriated condition. He is alleged to have employed unparliamentary and filthy words abusing his superiors. For this, charge memo was issued on 26.02.2004. He was also placed under suspension. Enquiry was conducted. The enquiry officer found that the charges stood proved. The petitioner was served with a copy of the enquiry report. The disciplinary authority ie., Superintendent of Police, Virudhunagar District vide memorandum dated 02.08.2004 imposed punishment of dismissal from service. Aggrieved by the same, the petitioner filed an appeal before the appellate authority.



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The appellate authority also dismissed the appeal vide order dated 18.11.2004. The petitioner preferred mercy petition before the Director General of Police, Tamil Nadu. That was also dismissed on 22.10.2005. Further review before the Government was also dismissed vide G.O. 2D.No.405, Home (Police-VI) Department, dated 15.07.2008. Challenging the same, W.P.No.5430 of 2010 was filed. During the pendency of the writ petition, he passed away and his wife K.Ramalakshmi came on record. The learned single Judge vide order dated 22.11.2019 dismissed the writ petition. Challenging the same, this writ appeal has been filed.

2.The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the impugned orders and grant relief as prayed for.

3.The learned Additional Government Pleader on the other hand submitted that a policeman reporting for duty in an inebriated condition is a serious misconduct which cannot be viewed leniently. He also pointed out that the preponderance of probability alone would apply in



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the case of disciplinary proceedings. He submitted that the colleagues of the writ petitioner were examined as witness and that the report of the enquiry officer finding the writ petitioner guilty is based on substantial material and that therefore, the learned single Judge rightly did not interfere in the matter. He would further point out that the scope for judicial review in disciplinary proceedings is rather limited and that those standards may be borne in mind by this Court. He called upon this Court to dismiss the writ appeal.

4. We carefully considered the rival contentions and went through the materials on record.

5. We have to see if the charges levelled against the writ petitioner have been established. The writ petitioner is said to have committed two acts of misconduct.

A. coming in a drunken condition for duty.

B. use of abusive expressions.

When an employee is said to have used abusive and unparliamentary words, the charge memo must contain the very words uttered by the



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employee. But in this case, the charge memo is silent. It merely employs the expression “abusive words”. The witnesses have also not deposed regarding the exact words used by the appellant. We therefore have to hold that this part of the charge has not at all been established.

6.The petitioner is said to have come in an inebriated condition. Clinching piece of evidence would be the medical report. In this case, no doubt, the doctor concerned had given a report that the writ petitioner was under the influence of alcohol. But during enquiry, he admitted that based on the smell that emanated from the writ petitioner, he gave such a report. He would claim that the analysis report could not be given because the delinquent did not co-operate for giving his blood samples. When the delinquent is a police constable and he had already been arrested, it is ridiculous to say that he did not co-operate for giving his blood samples and therefore, his blood samples could not be taken.

7.When this point was taken in the grounds of appeal as well as review, the appellate authority as well as the reviewing authority ought to have dealt with such contentions. The order of the appellate authority as



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well as the reviewing authority are cryptic and have not at all dealt with the contentions so pointedly taken by the appellant. In normal circumstances, when an order is cryptic and is set aside, we would remand the matter to the file of the appellate authority or the Government for passing order afresh. We do not propose to adopt such course of action for more reasons than one.

8.The writ petitioner has passed away. The learned counsel appearing for the appellant states that one of the sons had also passed away. This writ appeal has been prosecuted by his wife and she is said to be in a penurious condition. The learned counsel would further submit that he would be more than satisfied if the order of dismissal is modified into one of punishment of compulsory retirement.

9.Since the act said to have been committed by the writ petitioner also amounted to an offence, criminal case was registered against him in Crime No.16 of 2004 under Section 4(1)(j) of Tamil Nadu Prohibition Act, 1937 and Section 75 of Chennai City Police Act, 1986. Interestingly, the criminal case was dropped vide order dated 26.02.2004



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passed in C.No.F1/PR.12/2004. This fact is conceded by the Superintendent of Police, Virudhunagar District.

10.For these reasons, even while setting aside the impugned orders, we direct that the punishment imposed on the delinquent shall stand converted into one of compulsory retirement. The appellant / wife of the delinquent shall be paid the consequential monetary benefits as expeditiously as possible. The Writ Appeal is allowed on these terms. No costs.

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

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi/SKM

To

- 1.The Secretary to Government,
Home Department,
Chennai.
- 2.The Director General of Police,
Chennai-4.
- 3.The Deputy Inspector General of Police,
Madurai Range, Madurai.

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4.The Superintendent of Police,
Virudhunagar District.



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