



W.A(MD)No.2052 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2052 of 2025

and

C.M.P(MD)Nos.11729 & 11730 of 2025

Selvam

... Appellant

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 Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order dated 26.06.2025 passed in W.P(MD)No.17307 of 2025.

For Appellant	: Mr.R.Suriya Narayanan
For R1 to R3	: Mr.T.Senthil Kumar
	Additional Public Prosecutor



W.A(MD)No.2052 of 2025

WEB COPY

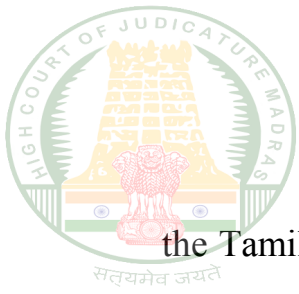
JUDGMENT

(Judgment of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The present intra court appeal has been instituted to assail the writ order dated 26.6.2025 in W.P(MD)No.17307 of 2025.

2. The writ petitioner is the appellant before this Court. He was appointed as Grade II Police Constable and the departmental disciplinary proceedings were initiated under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules. An enquiry was conducted and based on the report of the Enquiry Officer, penalty of removal from service was imposed by the 3rd respondent Commandant, Tamil Nadu Special Police, First Battalion, Trichy.

3. Challenging the removal order passed by the original disciplinary authority, the writ petition came to be instituted. The writ Court considered the issues and granted liberty to the appellant to approach the appellate authority, namely, the Deputy Inspector General of Police and thereafter, Director General of Police. Even, final revision may be filed before the Government under Rule 5 of



W.A(MD)No.2052 of 2025

the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules. Since

the efficacious alternate remedy is contemplated under the Service Rules, the writ Court relegated the appellant to approach the competent appellate authority. Not satisfied with the order, the present writ appeal came to be instituted.

4. The learned counsel for the appellant would mainly contend that the order of removal is manifestly arbitrariness. It is vindictive in nature. The punishment of removal is disproportionate to the gravity of the allegations framed against the appellant. Therefore, the High Court may go into the merits and pass an appropriate order. Thus, the writ order is to be assailed.

5. The learned Additional Public Prosecutor appearing for the respondents would oppose by stating that all the factual and legal grounds can be raised before the appellate authority, who in turn is empowered to adjudicate the same. That apart, a criminal case has been registered against the appellant and charge sheet has been filed in the criminal case in Cr.No.201 of 2025, on the file of the Judicial Magistrate Court, Bodi, Theni District. Since in the criminal case, final report was filed and the departmental proceedings ended with an order of penalty of removal, the writ Court has rightly relegated the appellant to approach the appellate authority for redressal of his grievances.



W.A(MD)No.2052 of 2025

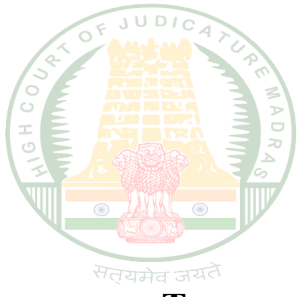
WEB COPY 6. Pendency of the criminal case is not a bar for concluding the departmental disciplinary proceedings. High standard of proof is required to convict a person under criminal law. However, no such strict proof is required to punish an employee under the disciplinary proceedings. Preponderance of probabilities are sufficient to punish an employee under the Disciplinary Rules. Mere pendency of a criminal case since not a bar, this Court do not find any infirmity in respect of completion of the disciplinary proceedings in the present case based on the records and evidences available. That being so, the appellant ought to have preferred an appeal as advised to do so. However, this Court do not find any infirmity in respect of the writ order impugned in the writ appeal.

7. In view of the above, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (G.A.M., J.)
25.08.2025

NCC : Yes / No
Index : Yes / No
am

4/6



W.A(MD)No.2052 of 2025

WEB COPY

To

- 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.



WEB COPY



W.A(MD)No.2052 of 2025

S.M.SUBRAMANIAM, J.

AND

G.ARUL MURUGAN, J.

am

W.A(MD)No.2052 of 2025

25.08.2025