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W.P.(MD) No.22277 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22277 of 2023

and

W.M.P.(MD) No.18557 of 2023

S.Stellabai

... Petitioner

-VS-

1.The Commissioner of Police
Madurai City

2.The Deputy Commissioner of Police
Madurai North, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order passed by the first respondent in his proceedings vide C.No.D1(2)/PR.No. 34/2022 & CPO No.1904/2022, dated 03.12.2022 and quash the same as illegal.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

This writ petition has been filed challenging the impugned order dated 03.12.2022, passed by the first respondent, under which the punishment imposed on the petitioner has been enhanced *suo moto* by imposing the punishment of postponement of next increment for a period of one year, which shall not operate to postpone for future increments from the punishment of censure awarded by the Deputy Commissioner of Police, North, Madurai City, on 06.06.2022.

2. The petitioner is aggrieved by the impugned order, on the ground that by total non-application of mind to Rule 15A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, which, according to the petitioner, provides for holding of an enquiry before enhancing the punishment, has not been followed while passing the impugned order dated 03.12.2022. The petitioner was earlier imposed with the punishment of censure by the second respondent on 06.06.2022. The same has been enhanced *suo moto* pursuant to the impugned order passed by the first respondent dated 03.12.2022 i.e., the punishment of ensure has been



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enhanced to the punishment of postponement of next increment for a period of one year, which shall not operate to postpone for future increments.

3. Admittedly, the punishment was enhanced by the first respondent only on *suo moto* basis. The charge framed against the petitioner in the disciplinary proceedings was that there was a delay on her part in submitting her report in respect of the complaint given against one Mr.Murugan, a Police Constable. The petitioner was working as Inspector of Police at the relevant point of time.

4. Learned counsel for the petitioner also drew the attention of this Court to Rule 15A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, and in particular to Sub-Clause (iv)(c) and the proviso to Sub-Clause(iv)(d) and would submit that the procedure contemplated therein has not been followed by the first respondent before passing the impugned order *suo moto* enhancing the punishment imposed on the petitioner. He would submit that as per the above provisions, the respondents will have to do the following:



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- (a) To consult with the Tamil Nadu Public Service Commission, where such consultation is required;
- (b) If the first respondent is desirous of enhancing the punishment, the procedure contemplated as per the proviso to Rule 15A(iv)(d) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, by holding a proper enquiry, is to be followed.

5. According to the learned counsel for the petitioner, the above procedure has not been followed by the first respondent before passing the impugned order.

6. On the other hand, learned Government Advocate appearing for the respondents, would reiterate the contents of the counter filed by the second respondent before this Court. According to him, a show cause notice was issued to the petitioner and the first respondent has also considered the explanation submitted by the petitioner and only thereafter, has passed the



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impugned order enhancing the punishment. According to him, there is no procedural violation committed by the respondents, as claimed by the petitioner. He would submit that there is an appeal remedy available to the petitioner as against the impugned order. According to him, having not exercised the same, this writ petition is not maintainable.

7. Admittedly, the contention raised by the petitioner in this writ petition, namely, non-adherence to Rule 15A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, has not been considered. The punishment imposed on the petitioner earlier, namely, censure order has also been enhanced *suo moto* by the first respondent under the impugned order enhancing the same to one of the punishment of postponement of next increment for a period of one year, which shall not operate to postpone for future increments. Since the punishment has been enhanced and that too on a *prima facie* consideration, this Court finds that an enquiry will have to be conducted before enhancing the punishment and since Rule 15A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, which the petitioner relies upon, has not been considered in the impugned order, this Court deems it fit to quash the impugned order and to



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remand the matter back to the very same respondent for fresh consideration on merits and in accordance with, within a time frame to be fixed by this Court.

8. Accordingly, the impugned order dated 03.12.2022, passed by the first respondent, is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law. The first respondent is directed to consider Rule 15A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, and after giving due consideration to the same and if the first respondent is of the opinion that an enquiry will have to be conducted, the first respondent shall conduct an enquiry by following due procedure as contemplated under Rule 15A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, and by adhering to the principles of natural justice and decide afresh as to whether or not the punishment imposed on the petitioner by the second respondent, namely, censure order has to be enhanced to one of the punishment of postponement of next increment for a period of one year, which shall not operate to postpone for future increments, as per the impugned order. The first respondent is directed to pass final orders on merits and in



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accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Commissioner of Police,
Madurai City.
- 2.The Deputy Commissioner of Police,
Madurai North, Madurai.



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ABDUL QUDDHOSE, J.

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