



W.P.(MD) No.19408 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 27.06.2025

Pronounced On : 03.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.19408 of 2016

S. Senthil Kumar,
S/o. K.Selvaraj,
Working as Head Constable,
Koodal Pudhur Police Station,
Madurai City, Madurai.

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home (Police - VI) Department,
Chennai -09.

2.The Director General of Police,
Chennai - 04.

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

4. The Superintendent of Police,
District Police Office,
Madurai District,
Madurai.

5. Mr. D.R. Shajahan,
The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

... Respondents



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PRAYER in W.P.:

WEB COPY To issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ, to call for the records from the 1st respondent in her order in G.O.[2D] No. 82 dated. 02.03.2015, by confirming the orders passed by the 2nd & 3rd respondents in his proceedings in Rc.No.169065/AP2(3)/2008 dated. 11.09.2008 and C.No: A2 (2)/10208/AP80/07 dated 14.11.2007 respectively and quash the same and consequently pay, the all attendant monetary benefits due to the petitioner in view of the above said punishment and pass any such further or other orders as this Hon ble Court may deem fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner	: Mr. N. Sathish babu
For Respondents	: Mr.V.Om Prakash Government Advocate for R1 to R4

J U D G M E N T

Heard.

2. The Petitioner entered service in the Police Department as a Grade II Police Constable on 25.05.1988. He was thereafter promoted to the post of Head Constable on 01.12.2005. During the course of his service, it is seen that the Petitioner had suffered as many as nine



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punishments under Rule 3(a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules and five punishments under Rule 3(b), which relate to major penalties.

3. The Petitioner was proceeded against both in a criminal case and departmentally for a serious act of misconduct. The 4th Respondent, who is the competent authority, initially imposed the punishment of compulsory retirement. On appeal, this punishment was modified to “Reduction in time scale of Pay by 3 stages for 3 years, which shall operate and effect his future increment”. However, in a further appeal, the original punishment of compulsory retirement was restored. Challenging the same, the present writ petition has been filed.

4. Even during the pendency of the disciplinary proceedings, the Petitioner was directed to be reinstated into service pursuant to the orders passed in a writ petition filed by him, taking note of the fact that he had been acquitted in the connected criminal proceedings and that a fair enquiry ought to be held. However, the enquiry ultimately culminated in the imposition of the penalty of compulsory retirement. Thereafter, the Petitioner was also subjected to another disciplinary proceeding, which he



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challenged in W.P.(MD) No. 8441 of 2017. During the hearing of that writ petition, the Petitioner appeared in person and gave an undertaking before the Court that he would not challenge the order imposing the punishment of compulsory retirement on him.

5. This Court, by order dated 28.11.2022, disposed of the writ petition and recorded the statement made by the Petitioner before this Court, which reads as follows:—

“4. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that the petitioner was facing some other disciplinary proceedings in 121(1)/த.ப.எண்:59/2016 and punishment of compulsory retirement was inflicted.

5. In view of the aforesaid reasons, this Court is of the considered opinion that the charge memo is proceeded further, the petitioner will be prejudiced. Moreover, it will not be served any purpose. Therefore, this Court is inclined to quash the charge memo. Moreover, the criminal case which was filed against the petitioner was already quashed.

6. The petitioner has appeared in person before this Court and gave an undertaking that, he will not challenge the compulsory retirement and punishment. The statement is recorded.”



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6. Be that as it may, in the counter affidavit filed by the 4th Respondent, the particulars of the misconduct alleged against the Petitioner, which stood proved in the departmental enquiry, have been set out as follows:—

“It is submitted that the above evidences are more than enough to say that the writ petitioner, instead of attending his duty, wantonly went to the Senthil cycle shop and Priya tea shop in a drunken mood and created unnecessary problem in the public place and committed this offence. The above statements are corroborated with the statements of prosecution witnesses 8 & 9. Even though some witnesses turned hostile during cross examination, the evidences given by the above witnesses clearly proves that the writ petitioner unnecessarily went to cycle shop and tea shop, without performing his duty at his duty place, leaving the place of duty allotted to him and has committed this offence in a drunken mood.”

7. The learned Government Advocate also placed reliance on the judgment of the Hon’ble Supreme Court in *State of West Bengal & Ors. v. Sankar Ghosh*, reported in (2014) 3 SCC 610, to contend that even if the criminal proceedings conclude in favour of the employee, the same would have no bearing on the findings recorded in a properly conducted



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departmental enquiry. It is necessary to refer to the following passage found in paragraph 18 of the said judgment, which reads as follows:—

“18. Above rule indicates that even if there is identity of charges levelled against the respondent before the Criminal Court as well as before the Enquiry Officer, an order of discharge or acquittal of a police officer by a Criminal Court shall not be a bar to the award of the departmental punishment. The Tribunal as well as the High Court have not considered the above-mentioned provision and have committed a mistake in holding that since the respondent was acquitted by a Criminal Court of the same charges, reinstatement was automatic. We find it difficult to support the finding recorded by the Tribunal which was confirmed by the High Court. We, therefore, allow the appeal and set aside the order of the Tribunal, which was affirmed by the High Court. ”

8. In view of the foregoing discussion, this Court finds that there is no case made out to entertain the writ petition. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

LS

03.07.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No



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DR. A.D. MARIA CLETE, J

LS

Pre-delivery Judgment
made in
W.P. (MD) No.19408 of 2016

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