



C.M.P.(MD)No.15906 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

C.M.P.(MD)No.15906 of 2024
and
W.A.(MD)No.SR 80547 of 2024

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Home Department, Secretariat,
Chennai-600 009.
- 2.The Director General of Police,
O/o.the Director General of Police,
Tamil Nadu, Chennai-600 004.
- 3.The Additional Director General of Police,
O/o.the Director General of Police,
Administration, Chennai-4.
- 4.The Deputy Inspector General of Police,
O/o.the Deputy Inspector General of Police,
Madurai Range, Madurai.
- 5.The Superintendent of Police,
O/o.the Superintendent of Police,
Madurai District, Madurai.

...Petitioners

Vs

E.Sivanandi

...Respondent



C.M.P.(MD)No.15906 of 2024

PRAYER in C.M.P.(MD)No.15906 of 2024: Petition-filed Under Clause 5 of the Limitation Act, to condone the delay of 936 days in filing the writ appeal.

Prayer in W.A.(MD)No.SR 80547 of 2024:Writ Appeal- filed under Clause 15 of the Letters Patent Act, to set aside the order in W.P.(MD)No.7280 of 2019 dated 15.11.2022.

For Petitioners : Mr.M.Sarangan
Additional Government Pleader
For Respondent : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This petition is filed to condone the delay of 633 days in filing the above writ appeal against the order of this Court dated 15.11.2022 in W.P. (MD)No.7280 of 2019.

2.The reasons stated in the application for delay are that after the order copy was received, the papers got mixed up with other bundles and thereafter, the papers sent seeking legal opinion for preparing an appeal. Hence, the delay was occurred.



C.M.P.(MD)No.15906 of 2024

3. On perusal of the entire affidavit, except these two reasons, no other sufficient reasons whatsoever have been given by the petitioner for such enormous delay. Therefore, if the delay, that was occurred because of such casual manner is condoned, the same will encourage the Officials to be very careless in prosecuting the matter before the Court of law and such delay cannot be condoned mechanically without any proper reasons.

4. Further, the respondent in this petition was joined in the Police Department in the year 2002 as Grade -II Police Constable and got promotion in the year 2012. The petitioner was issued with the charge memo in the year 2012 for his implication in a criminal case and he was imposed with the punishment of dismissal from service. In the appeal, preferred by the writ petitioner, the punishment was modified to one of postponement of increment for a period of three years. The said order was put to challenge in the writ petition. The writ petition was allowed by setting aside the order of punishment imposed on writ petitioner and also holding that the writ petitioner is entitled to all the consequential benefits. Challenging the same, the present writ appeal is filed.

5. It is the contention of the writ petitioner that the writ petitioner has been falsely implicated in this case on account of prior motive with one



C.M.P.(MD)No.15906 of 2024

Arivalagan. Further, no materials have been placed on record to show that the alleged offence had taken place in the public place. Further, the criminal case registered against him was also ended in acquittal on this factual aspect.

6.The learned Single Judge by considering all these aspects has rightly held that when the disciplinary action has been initiated against the writ petitioner only on the basis of his involvement in a criminal case and when the said criminal case is itself is ended in acquittal, the disciplinary action stands totally undermined.

7.Accordingly, this Civil Miscellaneous Petition is devoid of merits and the same is dismissed. Consequently, connected Writ Appeal in W.A.(MD)N.SR 80547 of 2024 is also rejected at the SR stage. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
17.02.2025

Index : Yes/No
Internet : Yes/No
ta



WEB COPY



C.M.P.(MD)No.15906 of 2024

J. NISHA BANU,J.
and
S.SRIMATHY.

ta

C.M.P.(MD)No.15906 of 2024
and
W.A.(MD)No.SR 80547 of 2024

17.02.2025