



W.A(MD)No.1164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1164 of 2024
and
C.M.P(MD)No.8996 of 2024**

1.The Director General of Police,
Chennai – 4.

2.The Deputy Inspector General of Police,
Trichy Region,
Trichy.

3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

... Appellants /
Respondents

Vs.

V.Selvam

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow this Writ Appeal by setting aside the order passed by this Court in W.P(MD)No. 16531 of 2019 order dated in 24.01.2023.



WEB COPY



W.A(MD)No.1164 of 2024

For Appellants : Mr.A.Kannan
Additional Government Pleader

For Respondent : Mr.M.Pitchai Muthu

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The Department is on appeal questioning the order dated 24.01.2023 passed by the learned single Judge in W.P(MD)No.16531 of 2019 whereby the punishment imposed on the writ petitioner was modified.

3.The writ petitioner joined the Police Department as Constable in the year 1993. In the year 2006, he was involved in an occurrence of demand of illegal gratification. In that regard, disciplinary action was taken against the writ petitioner and the punishment of stoppage of increment for three years with cumulative effect was imposed on him. The appeal filed by him was dismissed. However, the revisional authority modified the punishment. Challenging these orders, the writ petitioner filed the aforesaid writ petition. The learned single Judge vide order dated 24.01.2023 disposed of the writ petition in the following terms:



W.A(MD)No.1164 of 2024

WEB COPY

“4. In this present writ petition, the petitioner is in service and stoppage of increment affects his future increments. Moreover, the petitioner has filed this writ petition after acquittal from the criminal case, which was initiated by his wife for the allegation of cruelty. Therefore, this writ petition is entertained and the following orders are passed:

i. The punishment is modified as stoppage of increment for one year without cumulative effect and the impugned order is quashed to the extent

ii. The respondents shall implement the modified punishment within a period of eight weeks from the date of receipt of a copy of this order.”

4.The learned single Judge had not given any categorical finding that the appellant was innocent. In fact, the learned single Judge had proceeded on the premise that the appellant was guilty and still effected modification of the punishment. It is well settled that unless the Court is convinced that the punishment imposed on the delinquent is shockingly disproportionate to the judicial conscience, there cannot be any modification of punishment.

5.The Hon'ble Supreme Court in the decision reported in **(2022) 1 SCC 373 (Union of India & Others Vs Ex.Constable Ram Karan)** held as follows:

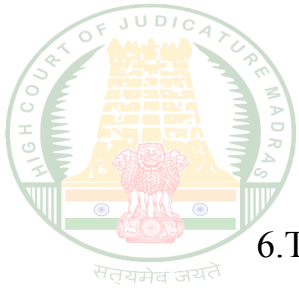


W.A(MD)No.1164 of 2024

WEB COPY

*“25. Even in cases where the punishment imposed by the disciplinary authority is found to be shocking to the conscience of the Court, normally the disciplinary authority or the appellate authority should be directed to reconsider the question of imposition of penalty. The scope of judicial review on the quantum of punishment is available but with a limited scope. **It is only when the penalty imposed appears to be shockingly disproportionate to the nature of misconduct that the Courts would frown upon.** Even in such a case, after setting aside the penalty order, it is to be left to the disciplinary/appellate authority to take a call and it is not for the Court to substitute its decision by prescribing the quantum of punishment.”*

The aforesaid principle was not borne in mind by the learned single Judge. It is also relevant to note that it is the department which has preferred this writ appeal and the writ petitioner has not challenged the finding of guilt. It is further noted that the adverse orders against the writ petitioner were passed way back in the year 2008-2009. The writ petition was filed a full one decade later. The doctrine of laches ought to have been applied. On this ground also, we set aside the order of the learned single Judge.



W.A(MD)No.1164 of 2024

6.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
23.07.2025

NCC : Yes / No
Internet : Yes / No
Index
MGA



WEB COPY



W.A(MD)No.1164 of 2024

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

W.A(MD)No.1164 of 2024

23.07.2025