



WP(MD). No.29375 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.29375 of 2025
and
W.M.P.(MD).No.22805 of 2025

R.Balasubramanian

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police,
Armed Reserve,
Madurai City,
Madurai District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in C.No.D2(1)/26385/2025 dated 30.09.2025 passed by the 2nd respondent and quash the same as arbitrary and illegal and consequently for a direction directing the respondents to reinstate the petitioner with continuity of his service with all back wages and monetary benefits.



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For Petitioner : Mr.K.Dinesh,
Advocate.

For Respondents : Mr.F.Deepak,
Special Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in C.No.D2(1)/26385/2025 dated 30.09.2025 passed by the second respondent and quash the same as arbitrary and illegal and consequently for a direction, directing the respondents to reinstate the petitioner with continuity of his service with all back wages and monetary benefits.

2. The petitioner had been visited with an order of compulsory retirement for having been imposed a punishment under Section 138 and 142 of Negotiable Instruments Act. This Court in W.P(MD)No.24101 of 2025 dated 13.10.2025 relying upon a judgment of another learned Single Judge made in W.P.(MD)No.5002 of 2024 dated 05.09.2024 had held that a conviction under Section 138 of the Negotiable Instruments



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Act cannot be an offence involving moral turpitude. Hence, the charge memo issued on that ground, against the petitioner, is unreasonable. This Court had also further held that the invocation of Section 138 of Negotiable Instruments Act, arises out of a contractual dispute between the parties and punishment for such violation cannot be said to be an offence for which an order of punishment could be passed against the petitioner.

3. That apart, it is to be seen that based upon a show cause notice, without even conducting any enquiry whatsoever, the petitioner had been visited with a punishment of compulsory retirement. The Hon'ble Apex Court, in the judgment reported in **1985 2 SCC 358** in the case of **Shanker Dass v. Union of India & Anr.** and also the judgment reported in **2021 (6) SCC 258** in the case of **P.Mohanraj and others Vs M/s.Shah Brothers Ispat Pvt. Ltd.,** as relied by the petitioner would also indicate that that such a punishment arising out of a contract does not involve moral turpitude.



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K.KUMARESH BABU, J.

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4. For the aforesaid reasons, this Writ Petition is allowed and the order impugned herein is set aside and the respondents are directed to reinstate the petitioner in service. Consequently, connected miscellaneous petition stands closed. No costs.

03.11.2025

NCC : yes /no
Index : yes / no
Internet : yes / no

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To

- 1.The Commissioner of Police, Madurai City, Madurai.
- 2.The Deputy Commissioner of Police,
Armed Reserve, Madurai City, Madurai District.

ORDER
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