



WP No. 28323 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**WP No.28323 of 2015 and  
MP.No.1 of 2015**

K.Tamilmani, S/o.P.Kannan,  
Formerly Gr-II Police Constable 7021 (AR),  
Chennai City Police, Chennai,  
No.274, Thiyagi Annamalai Nagar,  
Tiruvannamalai Town.

..Petitioner(s)

Vs

1. The Deputy Commissioner of Police (AR),  
Greater Chennai City Police, Vepery, Chennai-600 007.
2. The Commissioner of Police  
Greater Chennai City Police, Vepery, Chennai-600 007.
3. The Director General of Police Tamil Nadu,  
Dr Radhakrishnan Salai, Mylapore, Chennai-600 004.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent in connection with the impugned order passed by him in PR No.308/2(2)/2005 dated 24.07.08 and confirmed by the 2<sup>nd</sup> respondent in his proceedings C.No.132/56581/PR-II (2)/2013 dated 07.08.13 and by the 3<sup>rd</sup> respondent in RC No.166210/APIII(2)/2013 dated 30.03.15 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.



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WP No. 28323 of 2015

For Petitioner(s):

Mr.K.Venkataramani

Senior Advocate for Mr.M.Muthappan

For Respondent(s):

Mr.S.Yashwanth

Additional Government Pleader

### **ORDER**

This Petition has been filed to call for the records of the 1<sup>st</sup> respondent in connection with the impugned order passed by him in PR No.308/2(2)/2005 dated 24.07.08 and confirmed by the 2<sup>nd</sup> respondent in his proceedings C.No.132/56581/PR-II (2)/2013 dated 07.08.13 and by the 3<sup>rd</sup> respondent in RC No.166210/APIII(2)/2013 dated 30.03.15 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

2.The case of the petitioner is as follows:

The Petitioner herein was appointed as Grade II Police Constable in April 1997. He was implicated as accused (A8) in Crime No.123/2005, u/s.341, 392 & 302 of IPC on the file of the Mangalam Police Station, Thiruvannamalai District, on the allegation of providing shelter to the offenders who have been involved in the said crime. Consequently, he was arrested on 02.05.2005 and remanded to judicial custody. The petitioner was suspended from service by the Additional Commissioner of Police, Chennai City, by order dated 05.05.20025. Thereupon, departmental proceedings were initiated against him, issuing a



charge memo u/r 3(b) of TNPSS (D & A) Rules in PR No.308 PR 2(2)/2005 dated 14.10.2005, accusing for unauthorised absent on 01.05.2005 at 06.45 am and unlawful harbouring accused involved in murder and robbery case, at his friend's residence i.e., police quarters. After conducting enquiry, the Enquiry Officer held that both charges were proved. Though the petitioner submitted his representation against the enquiry report within time, the disciplinary authority by order dated 24.07.2008 dismissed him from service, stating that no such representation was filed by the petitioner. The Sessions Court in S.C.No.7 of 2008 acquitted him on 28.02.2013, holding that there was no evidence of harbouring. Unfortunately, his appeal was rejected by the Commissioner of Police on 07.08.2013, as time barred and his review was also dismissed by the Director General of Police on 30.03.2015. Hence this Petition.

3.The learned senior counsel appearing for the Petitioner by referring the charges framed against the petitioner pointed out that during the examination the defence witnesses viz., Mr.Kalaiselvan (DW1) and Rajkumar (DW2), where DW2 have denied that he had provided shelter in his residence to the accused persons at No.10, E Block, Thiruvottiyur Police Quarters on 29.04.2005 and 30.04.2005. However, the Enquiry Officer held that both the charges stood proved against the writ petitioner.



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4.He further submitted that the delay in filing the appeal cannot be put against the petitioner, since the appeal was preferred only after he was acquitted by the Sessions Court. Therefore, such delay should not prejudice the rights of the petitioner in the present Writ Petition.

5.He further submitted that the petitioner's co-delinquent, Rajkumar, who was also charged with similar charges such as harbouring and sheltering the accused in the criminal case, was acquitted by the trial Court. In regard to that, he pointed out that said Rajkumar was given lesser punishment and reinstated into service by relying upon the order of modification of punishment issued by the Deputy Commissioner of Police in Rc.No.274/148536/PR-II(2)/2012, dated 07.05.2014. The relevant portion is extracted hereunder:

*“In accordance with the orders of the Director General of Police, Tamilnadu, Chennai in his proceedings No.189339/AP-3(2)/2012 dated 21.04.2014, the punishment of “Removal from Service” was modified into that of postponement of increment for three years with cumulative effect in PR.336/2005 u/r 3(b) of TNPSS (D&A) Rules 1955 against Ex-PC.17194 P.Rajkumar, 16<sup>th</sup> Platoon, “C” Company, Armed Reserve, Greater Chennai Police, Chennai. The suspension and out of employment period will be settled as separately. He is reinstated into service with immediate effect.*

*2.The Assistant Commissioner of Police I, Armed Reserve,*



WP No. 28323 of 2015

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*Greater Chennai Police is instructed to send the date of the joining of the above Police Constable to this office immediately.”*

6.The learned Additional Government Pleader pointed out that the charges are grave in nature. Therefore, the findings rendered by the disciplinary authority which was confirmed by the appellate authority cannot be ignored on the ground that there is no discussion about evidence of Mr.Kalaiselvan and Rajkumar who have supported the case of the Writ Petitioner.

7.On perusal of the findings of the Enquiry Officer, it is seen that there is no discussion regarding the evidence of Mr.Kalaiselvan and Mr.Rajkumar, who were examined as defence witnesses. The Enquiry Officer merely observed that the statement of Rajkumar was a bare denial and concluded that the writ petitioner being a member of the armed force was required to maintain integrity. On 21.06.2008, the petitioner submitted a representation to the Deputy Commissioner of Police stating his innocence. However, the same was rejected. On the basis of the enquiry report, the petitioner was dismissed from service vide order dated 24.07.2008. Thereafter, the petitioner filed an appeal before the Commissioner of Police on 07.08.2013, after his acquittal in the criminal case on 28.02.2013. The Appellate Authority rejected the same on the ground that “time barred”. The relevant portion of the order reads as follows:



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*“3) The Ex.PC 17021 Tamilmani has now preferred an appeal petition dated 03.05.2013 to me.*

*4) I have carefully gone through the appeal petition of Tr.K.Tamilmani, Police Constable 17021, 16<sup>th</sup> Platoon, “C” Company, Armed Reserve, Chennai Police, punishment roll and other connected records. He was dealt with u/r.3(b) for the following delinquencies:*

*(a)absenting from duty at 6.45 hrs on 01.05.2005 while on duty in OD in Government General Hospital Police Station, Chennai City and*

*(b)Misconduct in harbouring and providing shelter in No.10, Police Line, E Block, Thiruvottiyur in the residence of AR PC 17194 Rajkumar, the accused concerned in Mangalam P.S. crime No.123/2005 u/s.341, 392 and 302 IPC on 29.04.2005 knowing fully well that they were accused in the above case.*

*5)The DC, Armed Reserve, Chennai Police had imposed a punishment of “Dismissal from service”. He acknowledged the dismissal order and slip order dated 06.08.2008.*

*6.The appellant has submitted his appeal petition only on 03.05.2013 to cancel the punishment. As per rule 9 of TNPSS (D&A) Rules, 1955 the appeal is a time barred one. Hence, his appeal is rejected”*

Thereafter, a review was filed by the writ petitioner before the Director General of Police and the same was rejected by an order dated 30.03.2015

8.Undoubtedly the charges levelled against the petitioner are grave in nature. Even the trial Court has given a verdict of acquittal to all the accused, by extending the benefit of doubt. However, without going into the merits of the criminal case or the nature of the acquittal, it is evident that the disciplinary



WP No. 28323 of 2015

authority has not properly discussed the evidence given by Rajkumar, who was also acquitted in the said criminal case. In the absence of any proper discussion in the domestic enquiry regarding such material evidence. Thus, the enquiry report cannot be sustained.

9. In view of the same, the impugned order passed by the 1<sup>st</sup> Respondent in PR No.308/2(2)/2005 dated 24.07.08, confirmed by the 2<sup>nd</sup> respondent in his proceedings in C.No.132/56581/PR-II (2)/2013 dated 07.08.13 and by the 3<sup>rd</sup> respondent in RC No.166210/APIII(2)/2013 dated 30.03.15 are hereby quashed.

10. In fine, the Writ Petition is partly allowed to the extent that the writ petitioner shall be given lesser punishment on par with the co-accused viz., Rajkumar without backwages. No costs. Consequently, connected Miscellaneous Petition is closed.

**02-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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WP No. 28323 of 2015

**N.SENTHILKUMAR J.**

*sai*

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To

1. The Deputy Commissioner of Police(AR), Greater Chennai City Police, Vepery, Chennai-600 007.
2. The Commissioner of Police Greater Chennai City Police, Vepery, Chennai-600 007.
3. The Director General of Police Tamil Nadu, Dr.Radhakrishnan Salai, Mylapore, Chennai-600 004.

WP No. 28323 of 2015

02-03-2026

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Page8 of 8