



WEB COPY

WP No. 31192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 31192 of 2015

and

MP No.1 of 2015

V.Ramamurthy

..Petitioner(s)

Vs

1. The Director General of Police

Tamil Nadu, Radhakrishnan Salai, Chennai-4.

2. The Commissioner of Police,

Chennai Police, Vepery, Chennai-07.

3. The Joint Commissioner of

Police, Traffic (South), Kilpauk, Chennai-10.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the First Respondent in Rc.No.33105/AP.3(2)/2015 dated 25.07.2015 confirming the order passed by the Second Respondent in P.R.No.37/Tr.PR/2012 RC No.45/8677/PR.V/ CPO/2013 dated 12.05.2014 modifying the order passed by the Third Respondent in P.R.No.37/Tr.PR/2012 TZO No.657/2012 dated 21.09.2012 and quash the said order and direct the Respondents to grant him all consequential benefits to the petitioner.



For Petitioner(s):

Mr.P.Manojkumar

For Respondent(s):

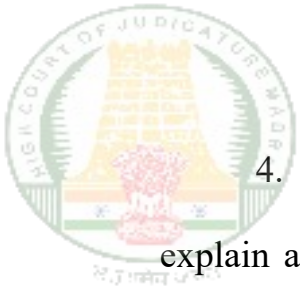
Mr.P.Ganesan, Government Advocate

ORDER

The petitioner challenges the proceedings of the first respondent in Rc.No.33105/AP.3(2)/2015 dated 25.07.2015, confirming the order passed by the second respondent in P.R.No.37/Tr.PR/2012, RC No.45/8677/PR.V/CPO/2013 dated 12.05.2014, which modified the order passed by the third respondent in P.R.No.37/Tr.PR/2012, TZO No.657/2012 dated 21.09.2012. The petitioner further seeks a direction to the respondents to grant him all consequential benefits.

2. The second respondent, by order dated 12.05.2014, modified the punishment imposed on the petitioner from reduction of pay by two stages for two years with cumulative effect on future increments, imposed for a grave offence, to postponement of increment for two years, which would operate on future increments.

3. The petitioner, while serving as a Police Constable, was issued with a charge memo dated 03.06.2012, along with the statement of imputations of misconduct and a list of witnesses and documents proposed to be relied upon.



4. The petitioner was issued a show-cause notice calling upon him to explain as to why disciplinary action should not be initiated. In response, the petitioner submitted his explanation denying the allegations. As the Disciplinary Authority was not satisfied with the explanation, an Inquiry Officer was appointed to conduct a departmental enquiry. Upon completion of the enquiry, the Inquiry Officer submitted a report holding that the charges against the petitioner stood proved.

5. Upon receipt of the enquiry report, the third respondent passed an order imposing the punishment of reduction of pay by two stages for a period of two years with cumulative effect on future increments. The said order was challenged by the petitioner in appeal before the second respondent, who modified the punishment. The modified order was thereafter confirmed by the first respondent in revision. Aggrieved by the same, the present Writ Petition has been filed.

6. Learned counsel for the petitioner submitted that there is no cogent evidence to substantiate the charges against the petitioner, except for the self-serving statement of the complainant. He further contended that the petitioner, being a Police Constable, had no authority to issue a receipt for the fine collected, as such authority vested exclusively with the Sub-Inspector. It was further submitted that the Disciplinary Authority, without issuing a second show-cause notice calling upon the petitioner to submit his explanation to the enquiry report,



proceeded to pass the impugned order. Such action, it was argued, is arbitrary, discriminatory, and violative of the principles of natural justice.

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7. Per contra, Mr. P. Ganesan, learned Government Advocate appearing for the respondents, submitted that the evidence of PW1 and PW2 clearly establishes that the petitioner, while serving as a Police Constable, collected a fine and issued a fictitious receipt. He further submitted that the findings recorded by the Inquiry Officer are based on a proper appreciation of evidence and that the impugned order passed by the second respondent and confirmed by the first respondent does not warrant interference by this Court.

8. The submissions of the learned counsel on either side were heard, and the materials placed on record were carefully considered.

9. The charge against the petitioner is that on 23.04.2012, at about 11:45 a.m., while deployed on traffic regulation duty along with Sub-Inspector Thiru Santhanakrishnan, the petitioner falsely claimed that the complainant's (PW1) driving licence was invalid. It is alleged that the petitioner, in collusion with the Sub-Inspector, intimidated the complainant and threatened to cancel his learner's licence. Without registering any case, the complainant was allegedly sent to procure money, whereupon the petitioner collected a sum of Rs.500/- and issued a receipt pertaining to a different vehicle, thereby deceiving him.



10. PW1, the complainant, was examined before the Inquiry Officer. In his deposition, he stated that on the date of the incident, the Constable asked for his documents and directed him to approach the Sub-Inspector. After verification of his learner's licence, RC book, and insurance documents, the Sub-Inspector informed him that he could not be permitted to drive across Tamil Nadu and demanded Rs.500/-, failing which his learner's licence would be cancelled. The Constable obtained his signature on the e-challan machine and sent him to arrange the money. After paying the amount, PW1 was issued a receipt, which on verification was found to be for a fine of Rs.100/- and pertained to a different vehicle.

11. However, in his statement before the Inquiry Officer, PW1 did not allege that the petitioner claimed the documents were invalid or threatened cancellation of the learner's licence. On the contrary, PW1 specifically stated that it was the Sub-Inspector who made the demand for money and threatened cancellation of the licence.

12. PW2, the owner of the vehicle for which the receipt was actually issued, deposed that his documents were checked by the police, and he was accused of using a mobile phone while driving. A case was registered against him, and he paid a fine of Rs.100/-, for which a receipt was issued. Subsequently,



during an enquiry, he submitted a written complaint along with the original receipt.

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13. Thus, while the evidence of PW1 and PW2 establishes that the receipt in question was originally issued to PW2, there is no cogent evidence to prove that it was the petitioner who issued or handed over the said receipt to PW1. The complaint was lodged only a day after the incident, and no material evidence exists to directly link the petitioner with the alleged misconduct.

14. Be that as it may, upon receipt of the enquiry report, the Disciplinary Authority was duty-bound to issue a second show-cause notice calling upon the petitioner to explain why the findings of the Inquiry Officer should not be accepted. Without issuing such notice and without affording the petitioner an opportunity to submit a further explanation, the Disciplinary Authority proceeded to pass the impugned order solely relying upon the enquiry report. This reflects a clear absence of independent application of mind by both the Disciplinary Authority and the Appellate Authority, rendering the decision arbitrary.

15. It is a settled principle of law that punishment in a departmental enquiry can be sustained only when the foundational requirements of a valid charge memo, adherence to principles of natural justice, proof of charges by legally acceptable evidence, independent application of mind by the disciplinary



authority are strictly complied with. Any infraction of these essential elements vitiates the entire disciplinary proceedings and renders the order of punishment liable to be quashed.

16. In view of the above, the impugned order passed by the second respondent and confirmed by the first respondent is not legally sustainable. The respondents have failed to establish the charges against the petitioner by cogent evidence. Further, the failure to issue a second show-cause notice amounts to a violation of the principles of natural justice, thereby vitiating the entire disciplinary proceedings.

17. Accordingly, the Writ Petition is allowed as prayed for. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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HEMANT CHANDANGOUDAR, J.

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To

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