



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

REV.APPL No. 107 of 2023

& CMP NO. 12852 OF 2023

and

CONT P NO. 2486 OF 2022

1. The Principal Secretary To Government
Home (SC) Department, Fort St George,
Chennai 9.
2. The Director General Of Police
Chennai 4.
3. The Deputy Inspector General Of Police
Thanjavur Range, Thanjavur.

..Petitioner(s)

Vs

B.Jaya Kumar
S/o V.Balasubramanian, Ex Deputy
Superintendent of Police, 1564, Old No 228 A,
Mahalakshmi Nagar, Mela Ammachathiram,
Thirubuvanam Post, Thanjavur District.

..Respondent(s)

CMP No. 12852 of 2023

1. The Principal Secretary To Government
Home (SC) Department, Fort St George,
Chennai 9.
2. The Director General Of Police
Chennai 4.
3. The Deputy Inspector General Of Police
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..Petitioner(s)

Vs

B.Jaya Kumar



S/o V.Balasubramanian, Ex Deputy
Superintendent of Police, 1564, Old No 228 A,
Mahalakshmi Nagar, Mela Ammachathiram,
Thirubuvanam Post, Thanjavur District.

..Contemnor(s)

CONT P No. 2486 of 2022

B. Jayakumar
S/o. V.Balasubramanian,
Ex.Deputy Superintendent of Poilce,
1564, Old No.7/228A, Mahalakshmi Nagar,
Melaammachathiram, Thirubuvanam Post,
Thanjavur District.

..Petitioner(s)

Vs

Mr.K. Phanindra Reddy IAS
The Principal Secretary to Government, Home
(SC) Department, Fort St.George,
Chennai - 600 009.

..Contemnor(s)

REV.APPL No. 107 of 2023

To review the order dt. 05.10.2021 made in WA No.546/2021

CMP No. 12852 of 2023

To stay the operation of the order dt. 05.10.2021 made in WA
No.546/2021 pending disposal of the above Review Application

CONT P No. 2486 of 2022

To punish the respondent fro his wilful and intentional
disobedience to the order passed by the Hon'ble High Court in W.A.No.546 of
2021 dated 0.10.2021

REV.APPL No. 107 of 2023

For Petitioner(s): State Government Pleader

For Respondent(s): M/s.G.Bala & Daisy
Learned Counsel Takes Notice For Sole
Respondent, Vide B/o Dated 13.03.2023, In Sr
Stage



Order

(Order of the Court was made by S.M.Subramaniam J.)

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The present review application has been instituted to review the order of this Court dated 0510.2021 passed in W.A.No.546 of 2021.

2. Learned Additional Advocate General would mainly contend that the findings and the conclusion made in paragraph No.6 of the writ appeal order sought to be reviewed is running counter to the documents produced between the parties.

3. The facts are not suppressed between the parties. The documents have been produced both by the writ appellant as well as by the respondent employee, despite an error occurred in appreciating in the context of the Service Rules applicable and therefore, the State has preferred the present Review Petition.

4. In paragraph No.6 the findings are made in the writ appeal order which reads as under:

6. Both parties agree that Tamil Nadu Pension Rules are applicable, but no orders have been passed under Rule 9 of Tamil Nadu Pension Rules. The respondent had continued under suspension till he attained the age of superannuation on 31.05.2006 and further extended and retained in service in view of the pending charges and the punishment of dismissal was imposed, after enquiry, by order dated 23.12.2008. When the departmental proceedings should have been continued and punishment should have been imposed, in terms of the provision of Tamil Nadu Pension Rules, the order of dismissal passed



as against the respondent is liable to be interfered with. Eventhough the learned Single Judge has held that the charges are not established, as no proceedings have been conducted after retirement under Pension Rules, we are of the view that there is no need to interfere with the order of the learned Single Judge. The writ appeal is accordingly dismissed. No costs. Connected C.M.P. is closed.

5. However, the learned Additional Advocate General would submit that the respondent was placed under suspension by proceedings dated 29.05.2006, two days prior to his actual date of superannuation i.e., 31.05.2006. His services was extended by invoking FR 56(1)(c) and therefore, he continued to be in service for the purpose of continuing the departmental disciplinary proceedings.

6. This factum regarding the suspension of the respondent, vide proceedings dated 29.05.2006 was not considered, despite the fact that the parties have filed the documents. However, an error crept in, appears to be apparent and would change the entire situation. Thus, this Court is of the considered view that the facts as well as the relevant provisions of the Service Rules applicable are to be considered in the context of the documents furnished between the parties. Since the order of suspension, extending the services of the respondent was not taken into consideration, this Court has passed an order, in paragraph No.6 which requires a fresh consideration. Thus, this Court is of the considered view that the findings are running counter to the documents produced between the parties and constitutes an



error apparent warranting interference. Accordingly, the present Review Application is allowed and the Writ Appeal order dated 05.10.2021 is set aside. No costs. In view of the order passed in the Review Application, the Contempt Petition stands closed.

7. Registry is directed to list the Writ Appeal for fresh hearing on 24.03.2026. The respective parties are at liberty to file an additional affidavit or documents, if any, for disposal of the Writ Appeal.

(S.M.S.,J.) (K.S.,J.)
13-03-2026

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

VSI

To

1. The Sub-Assistant Registrar,
A.S. Madras High Court.

2.Mr.B.Jaya Kumar
S/o V.Balasubramanian, Ex Deputy
Superintendent of Police, 1564, Old No 228 A,
Mahalakshmi Nagar, Mela Ammachathiram,
Thirubuvanam Post, Thanjavur District.

3. Mr.K. Phanindra Reddy IAS
The Principal Secretary to Government, Home
(SC) Department, Fort St.George,
Chennai - 600 009.



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REV.APPL No. 107 of 2



**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

VSI

**REV.APPL No. 107 of 2023
AND
CMP NO. 12852 OF 2023,
CONT P NO. 2486 OF 2022**

13-03-2026