



WEB COPY

WP No. 8310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 8310 of 2026

S.Daniel Fernando

..Petitioners

Vs

- 1.The Director General of Police
Chennai-600 004.
- 2.The Commissioner
Commissioner of Police
Chennai-7.
- 3.The Deputy Commissioner of Police
Administration
Greater Chennai Police
Chennai-7.

..Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 24.07.2025 in Na.Ka.No.L1/1655/41215/2025 & Se. Na.Ka.No.2461/2025 passed by the 3rd respondent and consequently direct the 3rd respondent to consider the suspension period from 20.12.2013 to 01.03.2018 as duty period.



For Petitioners: Mr.G.Mohan

For Respondents: Mr.R.U.Dinesh Rajkumar

Additional Government Pleader

ORDER

This petition has been filed challenging the impugned order dated 24.07.2025 in Na.Ka.No.L1/1655/41215/2025 & Se. Na.Ka.No.2461/2025 passed by the 3rd respondent and consequently seeking a direction to the 3rd respondent to consider the suspension period from 20.12.2013 to 01.03.2018 as duty period.

2.The learned counsel appearing for the petitioner submitted that the petitioner joined the Tamil Nadu Police Uniformed Service as Police Constable Grade-II in the Tamil Nadu Special Police (TSP) on 31.10.1997, and was subsequently converted to the Armed Reserve Police in the year 2000. Thereafter, he was transferred to the Taluk Police. While serving as Grade-I Police Constable in the Police Control Room (on other duty as Driver in the office of the Public Prosecutor, Madras High Court), Greater Chennai Police, he was placed under suspension on 26.04.2013 by the 3rd respondent, on the ground that a criminal case was registered against him in CCB Cr.No.108/2013



under Sections 465, 468, 471, 420 and 120B IPC. Subsequently, the petitioner was granted anticipatory bail by this Court in Crl.O.P No.10589 of 2013. In the meantime, departmental proceedings in PR No.94/4(2)/2013 under Rule 3(b) were initiated against him and kept pending for several years without passing any final orders. On 21.11.2013, the suspension order was revoked by the 3rd respondent. After six years, the 3rd respondent imposed punishment under PR No.94/4(2)/2013 on 17.04.2019, ordering stoppage of increment for two years without cumulative effect. Meanwhile, the criminal case was investigated and referred as “Mistake of Facts,” reaching finality. Aggrieved by the punishment imposed by the disciplinary authority, the petitioner filed an appeal before the Commissioner (the 2nd respondent) and the 2nd respondent, by order dated 18.03.2022 modified the original punishment of postponement of increment for two years without cumulative effect into that of postponement of increment for one year without cumulative effect. Against this, the petitioner filed a further review before the 1st respondent, which was allowed on 09.05.2023, setting aside the punishment. However, the 3rd respondent, without considering the order of the 1st respondent, suo motu treated the period of absence as leave without pay, without affording any opportunity to the petitioner and without considering that the punishment had already been set aside. Hence, this Court may set aside the impugned order dated 23.07.2025, remand the matter back to the 3rd respondent, and direct the 3rd respondent to hear the petitioner and pass appropriate orders.



WEB COPY

3. Considering the facts and circumstances of the case, though the 3rd respondent initially imposed punishment, the same was modified by the 2nd respondent. Subsequently, the 1st respondent set aside the punishment entirely. However, without considering the order of the 1st respondent in the review petition, the 3rd respondent treated the petitioner's absence as leave without pay. This action is unreasonable, as it was taken without providing an opportunity to the petitioner. On this sole ground, the impugned order dated 24.07.2025 is set aside, and the matter is remanded back to the 3rd respondent to pass appropriate orders after affording an opportunity of hearing to the petitioner, and to treat the period in question accordingly.

4. Accordingly, this writ petition stands allowed. No costs.

27-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma



To

1. The Director General of Police
Chennai-600 004.
2. The Commissioner
Commissioner of Police
Chennai-7.
3. The Deputy Commissioner of Police
Administration
Greater Chennai Police
Chennai-7.



WEB COPY

WP No. 8310 of 2



M.DHANDAPANI, J.

Uma

WP No.8310 of 2026

27-02-2026