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W.P No.9472 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No.9472 of 2019

and WMP.No. 10070 of 2019

S.Elavarasan

..Petitioner

Vs

1.The Deputy Commissioner of Police,
(Crime & Traffic), Trichy City.

2.The Director General of Police,
Dr Radhakrishnan Salai,
Mylapore, Chennai-4.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying
for issuance of a Writ of Certiorari, calling for the records of the 1st respondent
in connection with the impugned order passed in PR No.H1/78/05 dated
06.01.2008 and confirmed by the 2nd respondent in RC. NO.
088239/AP.IV(1)/2018 dated 27.08.2018 and quash the same.

For Petitioner : Mr. K.Venkataramani, Sr.Advocate
For M/s.Muthappan

For Respondents : Mrs. M.Jayanthi, AGP



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ORDER

The petitioner challenges the order dated 06.01.2008 issued by the 1st respondent, whereby the punishment of postponement of the next increment for a period of two years with cumulative effect was imposed on the petitioner.

2. The petitioner, while serving as a Constable, was issued with a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. The charge against him was that on 01.11.2004, at about 12.00 midnight, while he was travelling on duty in a Government bus from Trichy to Thiruverumbur, one Gunasekaran, a bangle merchant, was also travelling in the same bus. It was alleged that the petitioner demanded a sum of Rs.500/- from the said Gunasekaran for carrying the bangles and subsequently received Rs.200/- from him. Based on this allegation, a criminal case in Crime No.346 of 2004 was registered on the file of the Thanjavur Medical College Police Station for offences punishable under Section 384 IPC, thereby bringing disrepute to the police force.

3. Before the Enquiry Officer, the prosecution witnesses, including the complainant, turned hostile. However, on the basis of the registration of the FIR and the filing of the charge sheet, the Enquiry Officer held that the charges against the petitioner stood proved. The petitioner thereafter submitted a further



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explanation challenging the findings of the Enquiry Officer. However, without properly considering the said explanation, the 1st respondent passed the impugned order imposing punishment.

4. The submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents were heard, and the materials placed on record were perused.

5. It is seen that before the Enquiry Officer, the material witnesses, including the victim, turned hostile. Nevertheless, the Enquiry Officer recorded a finding holding the charges as proved primarily on the ground that the police investigation had culminated in the filing of a charge sheet before the jurisdictional Magistrate.

6. The learned Senior Counsel appearing for the petitioner placed on record the judgment dated 28.03.2006 passed by the learned Judicial Magistrate in C.C. No.207 of 2005, by which the petitioner was acquitted of the criminal charges. The said judgment has attained finality. Even otherwise, there was no substantive material available before the Enquiry Officer to substantiate the allegations, except the charge sheet filed against the petitioner. Further, the 2nd respondent, while confirming the punishment in the impugned order, has neither assigned independent reasons nor explained the basis for accepting the findings of the Enquiry Officer.



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7. In such circumstances, this Court is of the view that the impugned order passed by the 1st respondent and confirmed by the 2nd respondent is violative of the principles of natural justice and is arbitrary and unsustainable in law. Accordingly, the impugned orders are liable to be set aside.

8. In the result, the Writ Petition is allowed and the impugned orders passed by the 1st and 2nd respondents are hereby set aside. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

04.02.2026

Index : Yes

Internet : Yes

Neutral Citation : Yes/No

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To
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HEMANT CHANDANGOUDAR, J.

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