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W.P.No.15532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.15532 of 2024
And
W.M.P.No.3896 of 2026**

P.Pachamuthu

... Petitioner

Vs.

- 1 THE DIRECTOR GENERAL OF POLICE
HEAD OF POLICE FORCE,
CHENNAI – 600 004.
- 2 THE DEPUTY INSPECTOR GENERAL OF POLICE,
SALEM RANGE,
SALEM.
- 3 THE SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
KRISHNAGIRI – 635 104.
- 4 KRISHNAPPA

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of impugned suspension order passed by the second respondent vide C.No.B2/67/2391/2024, R.O.No.130/2024 dated 29.05.2024 and the impugned order C.No.B2/67/2391/2024, R.O.No.134/2024 dated 31.05.2024



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passed by the second respondent not allowing the petitioner to retire from service and the impugned "CENSURE" order passed by the first respondent vide proceedings Rc.No.020/10/ConIII(1)/2023 dated 31.05.2024 and quash the same and consequently direct the first respondent to allow the petitioner to retire from the service along with all retirement benefits and perks payable to him.

For Petitioner : Mr.S.Nagarajan
For Respondents : Mr.M.Rajendiran for R1 to R3
Additional Government Pleader
Mr.T.Elumalai for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the suspension order passed by the second respondent vide C.No.B2/67/2391/2024, R.O.No.130/2024 dated 29.05.2024 and the order C.No.B2/67/2391/2024, R.O.No.134/2024 dated 31.05.2024 passed by the second respondent not allowing the petitioner to retire from service and the Censure order passed by the first respondent vide proceedings Rc.No.020/10/ConIII(1)/2023 dated 31.05.2024 and quash the same and consequently direct the first respondent to allow the petitioner to retire from the service along with all retirement benefits and perks payable to him.

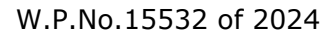
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2.The learned counsel appearing for the petitioner submitted that when the petitioner was working as Sub Inspector of Police at E-2 Thally Police Station, Krishnagiri District, a case was registered against one Jayaraman vide Crime No.142 of 2017 dated 01.04.2017 for the offence of women missing. The allegation against the petitioner is that the petitioner did not investigate the case and interrogate the said Jayaraman and entrusted the investigation work to Head Constables and due to the torture given by them, the said Jayaraman lost his life. Hence, a case was registered against the petitioner in Crime No.183 of 2017 for the offence under Section 176 of Cr.P.C. and subsequently investigation was conducted and the case was closed. Whiles, when the petitioner was due to retire on 31.05.2024, the third respondent issued a show cause notice dated 29.05.2024 under Rule 3(a) of Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 and on the same day they obtained explanation from the petitioner and on the same day the second respondent passed suspension order and on 31.05.2024, the first respondent passed an award of punishment of Censure.



4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the fourth respondent's son Jayaraman was taken for enquiry by the petitioner and other Police personnel in connection with Cr.No.142 of 2017 under Section women missing case at Thally Police Station in Krishnagiri District and tortured him, due to which, he died. On the basis of the complaint given by the



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fourth respondent, a case in Crime No.183 of 2017 for the offence under Section 176 of Cr.P.C., was registered against the petitioner and thereafter, the Investigation Officer filed final report as further action dropped before the learned District Munsiff cum Judicial Magistrate, Denkanikottai.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 further submitted that in connection with the death of Jayaraman, NHRC, Delhi, in their show cause notice dated 28.01.2020 observed that Jayaraman was tortured by Police and Human Rights of the deceased was grossly violated in act of public servant. Hence, an amount of Rs.5 Lakhs as monetary compensation was recommended to be paid to the next kin of the deceased Jayaraman, for violation of his Human Rights, as per Section 18 of the Protection of Human Rights Act, 1993. After having carefully gone through the report dated 08.08.2017 of Judicial Magistrate – 1, Hosur and NHRC recommendation, the Government in G.O.(Ms).No.111/2021 Public (L&O) dated 18.02.2021 have ordered a sum of Rs.5 Lakhs as compensation and instructed to take departmental and criminal action against erring Police personnel. It has also been instructed that the compensation amount will have to be recovered from the pay of the



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erred Police personnel, if the charges against them are proved at the end of departmental/ criminal action.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 further submitted that the petitioner was dealt with charge under Rule 3(a) of Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 for having failed to obey the order of his superior and abdicated the responsibility and show cause notice was issued and since the explanation given by him was not convincing, the punishment of Censure was imposed.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Perusal of records disclose that when the petitioner was working as Sub Inspector of Police at E-2 Thally Police Station, Krishnagiri District, a woman missing complaint was registered against one Jayaraman in Crime No.142 of 2017 dated 01.04.2017, pursuant to which, the petitioner arrested the said Jayaraman and subsequently the said Jayaraman died. Thereafter, on the basis of the complaint given by the father of the said Jayaraman/ fourth respondent, a case



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in Crime No.183 of 2017 for the offence under Section 176 of Cr.P.C., was registered against the petitioner and thereafter, the Investigation Officer filed final report as further action dropped before the learned District Munsiff cum Judicial Magistrate, Denkanikottai.

9.Perusal of records further disclose that in connection with the death of Jayaraman, National Human Rights Commission, Delhi, in their show cause notice dated 28.01.2020 observed that Jayaraman was tortured by Police and Human Rights of the deceased was grossly violated in act of public servant. Hence, an amount of Rs.5 Lakhs as monetary compensation was recommended to be paid to the next kin of the deceased Jayaraman, for violation of his Human Rights, as per Section 18 of the Protection of Human Rights Act, 1993. After having carefully gone through the report dated 08.08.2017 of Judicial Magistrate – 1, Hosur and NHRC recommendation, the Government in G.O.(Ms).No.111/2021 Public (L&O) dated 18.02.2021 have ordered a sum of Rs.5 Lakhs as compensation and instructed to take departmental and criminal action against erring Police personnel. It has also been instructed that the compensation amount will have to be recovered from the pay of the erred Police personnel, if the charges against them are proved at the end of departmental/ criminal action.



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10. Perusal of records further disclose that when the petitioner was due to retire on 31.05.2024, the third respondent issued a show cause notice dated 29.05.2024 under Rule 3(a) of Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955 and on the same day they obtained explanation from the petitioner and on the same day the second respondent passed suspension order and on 31.05.2024, the first respondent passed an award of punishment of Censure.

11. G.O.(Ms).No.111/2021 Public (L&O) is dated 18.02.2021 and show cause notice was issued to the petitioner on 29.05.2024 at the verge of petitioner's retirement. This Court is not able to understand as to why the respondents did not take any action for a period of three years from 18.02.2021. Further, show cause notice was issued to the petitioner on 29.05.2024 and on the same day explanation was obtained from the petitioner and on the same day the second respondent passed suspension order and on 31.05.2024, the first respondent passed an award of punishment of Censure. Such proceedings is not sustainable one. Already the State amended Rule 56 (1) (c) of the Fundamental Rules and there is no provision available



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for retaining the service for continuing the disciplinary proceedings, however, in the present case, punishment was imposed on the date of retirement on 31.05.2024 that too within a period of one week from the date of issuance of show cause notice, which is clear violation of principles of natural justice. Hence, the impugned orders are set aside.

12.As per G.O.(Ms).No.111/2021 Public (L&O) dated 18.02.2021 a sum of Rs.5 Lakhs have to be necessarily recovered from the erred Police personnel. Hence, this Court directs the respondents to withhold the proportionate amount out of Rs.5 Lakhs from the petitioner's terminal benefits and to settle the balance terminal benefits to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

13.With the above observations and directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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