



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

WEB COPY

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 18669 of 2026

B.Shyamala
W/o. Balakrishnan,
Housing Unit, Kenjanour,
Sathyamangalam,
Erode district 638 401

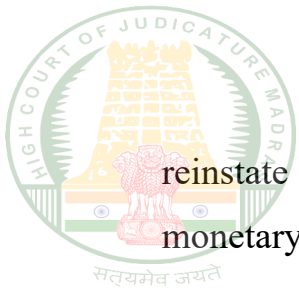
..Petitioner(s)

Vs

1. The Director General of Police /
Head of Police Force,
Chennai 04
2. The Commandant
TSP IV Battalion,
Kovaipudur, Coimbatore

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records in connection with the impugned order in Rc.No. 10176190/ AP.3(1) / 2024 dated 28.08.2025 on the file of the 1st respondent confirming the order in Tha.Pa.No. E3/ Tha. Pa.29/ 2015, Pirivu 3(b) dated 19.08.2015 on the file of the 2nd respondent and quash the same as illegal and direct the respondents to



reinstate the petitioner in to service and grant him all consequential service and monetary benefits.

WEB COPY For Petitioner(s): Mr. N.Naganathan

For Respondent(s): Mr. V. Prasad

Government Advocate for R1

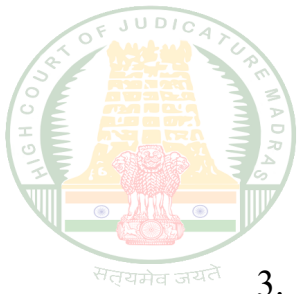
Mr.S.N.S.Sudharsan

Government Advocate for R2

ORDER

The present Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus calling for the entire records in connection with the impugned order in Rc.No. 10176190/ AP.3(1) / 2024 dated 28.08.2025 on the file of the 1st respondent confirming the order in Tha.Pa.No. E3/ Tha. Pa.29/ 2015, Pirivu 3(b) dated 19.08.2015 on the file of the 2nd respondent and quash the same as illegal and direct the respondents to reinstate the petitioner in to service and grant him all consequential service and monetary benefits.

2. The case of the petitioner is that she joined service as a Police Constable in the Tamil Nadu Special Police (IV Battalion) on 14.02.2005 and continued in the same cadre without promotion. She availed maternity leave for the birth of her two children in 2009 and 2012 and resumed duty after the sanctioned leave periods.

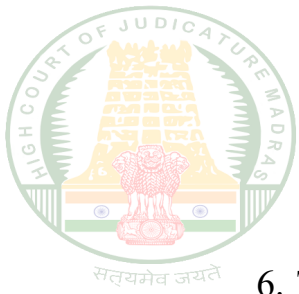


WEB COPY

3. Due to serious health complications, the petitioner was on medical leave from 14.05.2014 to 29.06.2014. As her condition persisted, she could not rejoin duty on 30.06.2014 and underwent treatment in a private hospital. She claims that her absence was orally intimated to her superior officer and that she believed the leave would be regularised.

4. However, the second respondent treated her absence as unauthorised and issued a desertion order dated 22.07.2014 for non-reporting of duty for 21 days. Subsequently, disciplinary proceedings were initiated under the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. An enquiry was conducted, and a punishment of withholding of increment for one year with cumulative effect was imposed on 08.02.2015.

5. Thereafter, a second charge memo was issued alleging desertion for the period from 09.02.2015 to 12.05.2015. The petitioner contends that the enquiry was conducted without furnishing the enquiry report, witness statements, or adequate opportunity to defend herself. Ultimately, by order dated 19.08.2015, she was removed from service.

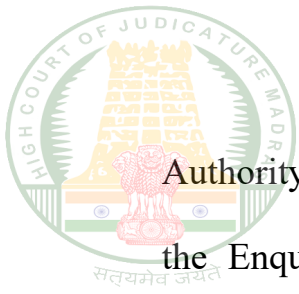


WEB COPY

6. The petitioner challenges the removal order as being arbitrary, illegal, and violative of the principles of natural justice, and seeks reinstatement with all consequential service and monetary benefits.

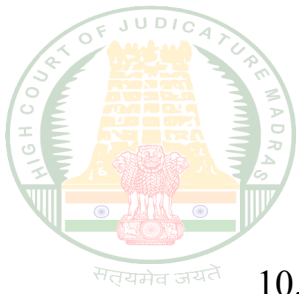
7. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials on record.

8. A perusal of the impugned order clearly demonstrates that on an earlier occasion, the petitioner was on unauthorised leave for 47 days, from 14.05.2014 to 29.06.2014. Consequently, she was declared a deserter, and disciplinary proceedings were initiated against her. These proceedings culminated into imposition of a punishment involving withholding of her increment for the subsequent year with cumulative effect, alongside a direction to report for duty vide order dated 08.02.2015. Despite the said direction, the petitioner failed to report for duty and continued to remain absent. This constrained the respondents to issue a fresh charge memo on 13.05.2015, thereby initiating subsequent disciplinary proceedings. The Enquiry Officer, upon conducting the inquiry, held that the charges against the petitioner stood proved. The Disciplinary



Authority, namely the second respondent herein, concurred with the findings of the Enquiry Officer and imposed the capital punishment of removal from service. Aggrieved by the same, the petitioner preferred a Revision Petition dated 24.10.2024 before the first respondent, seeking quashment of the punishment imposed. The first respondent, taking into consideration the consistent conduct of the petitioner, dismissed the Revision Petition. In doing so, the first respondent duly noted that despite repeated opportunities and directions issued post the order dated 08.02.2015, the petitioner failed to rejoin duty. The petitioner is thus guilty of deliberate insubordination and disregard of official orders, which constitutes grave case of indiscipline, particularly given that the petitioner belongs to Uniformed Service. Having been afforded specific opportunity to rejoin service following the conclusion of the earlier disciplinary proceedings, the petitioner failed to avail herself of the same.

9. The reliance placed by the petitioner on the Circular dated 06.12.2007 to contend that an order of dismissal cannot be passed in a case of desertion is legally unsustainable. A bare reading of the said Circular reveals that the restriction on imposing major penalties applies only to cases where the competent authority has consciously decided to permit the deserter to rejoin duty. It does not create an absolute bar against dismissal in cases of persistent and willful absence.



WEB COPY

10. In the case on hand, the disciplinary authority has decided to remove the petitioner from service. Therefore, viewed from any angle, the impugned order does not suffer from any legal infirmity or jurisdictional error. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

08-06-2026

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

Asi

To

1. The Director General of Police /
Head of Police Force,
Chennai 04.
2. The Commandant
TSP IV Battalion,
Kovaipudur, Coimbatore.



WEB COPY

WP No. 18669 of 2



P.T.ASHA, J.

Asi

WP No. 18669 of 2026

08-06-2026