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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2889 of 2023

and

CMP No. 7184 of 2026 & CMP No. 24040 of 2023

1. The Secretary to the Government,
Home (Pol.IV) Department, Fort St.George,
Chennai 9.
2. Deputy Inspector General of Police,
Vellore Range, Vellore
3. Deputy Inspector General of Police,
Salem Range, Salem.
4. The Superintendent of Police,
Salem District, Salem.

..Appellant(s)

Vs

J.Raju
Inspector of Police (Retired) D-8A, Parsan Nagar,
36, V.G.P.Salai West Saidapet, Chennai 15.

..Respondent(s)

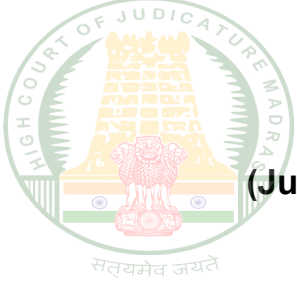
WA No. 2889 of 2023

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the order dated 24.3.2022 made in WP.No. 34053/2012.

WA No. 2889 of 2023

For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Mr.M.Ravi



Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

WEB COPY Under assail is the writ order dated 24.03.2022 passed in W.P.No.34053/2012.

2. The State preferred the present intra-Court Appeal under Clause 15 of Letters Patent mainly on the ground that based on the proved charges in a departmental proceedings, the respondent was imposed with the punishment of cut in pension at the rate of Rs.50/- for a period of one year under the Tamil Nadu Pension Rules, 1978 and the departmental proceedings are conducted in compliance with the procedures as contemplated under the Discipline and Appeal Rules. The Writ Court, not considered the gravity of the proved charges as well as the procedures followed, set aside the order of punishment. Thus, the present Appeal.

3. The learned Government Counsel appearing on behalf of the appellant State would mainly contend that the departmental disciplinary proceedings are initiated and charge memo has been issued to the respondent on 15.02.1999. He submitted his explanation denying the charges on 28.06.1999. Not satisfied with the explanation, an Enquiry Officer was appointed, who in turn, submitted his final report and the findings of the Enquiry Officer was accepted by the Disciplinary Authority and by affording further opportunity to the delinquent officer to submit his explanation on the



findings of the Enquiry Officer, a final order of punishment of cut in pension at the rate of Rs.50/- for a period of one year was imposed. Thus, there is no violation of procedures and the principles of natural justice has been complied with. Thus, the writ order is in firm.

4. The learned counsel for the respondent Mr.M.Ravi would oppose by stating that there is an enormous delay in concluding the departmental disciplinary proceedings. The respondent retired on 30.09.2005 and he was not allowed to retire from service without prejudice to the disciplinary proceedings, which was pending during the relevant point of time. He would further submit that there is no evidence or witness to establish the charges before the Enquiry Officer. The witnesses turned hostile. The said aspect was not considered by the Disciplinary Authority. Thus, the order of punishment was rightly set aside by the writ Court. He relied on few judgments to establish that non-consideration of the discussion made by the Enquiry Officer would vitiate the entire disciplinary proceedings.

5. This Court has considered the rival submissions made between the parties to the lis on hand.

6. The facts in brief are that the respondent was holding the post of Inspector of Police and retired from service on 30.09.2005. While he was in service, a charge memo under Rule 3(b) of Tamil Nadu Police Subordinate



Services (Discipline and Appeal) Rules, 1955 in P.R.No.11/99 was issued. He submitted his explanation denying the charges on 28.06.1999. Not satisfied with the explanation, the Disciplinary Authority appointed an Enquiry Officer, who in turn, conducted an enquiry by affording an opportunity to the delinquent officer and submitted his final report. By communicating the final report, further explanation was sought for from the respondent/delinquent officer by the Inspector General of Police, Salem Range, Salem, vide his letter dated 20.09.2000. Though further explanation was called for by the competent authority, vide his letter dated 20.09.2000, the respondent submitted his further explanation on 01.07.2007. The further explanation itself was submitted after two years from attaining the age of superannuation on 30.09.2005 and the Government passed an order, allowing the respondent to retire from service without prejudice to the departmental disciplinary proceedings.

7. Pertinently, a criminal case was pending against the respondent. The said criminal case ended with an order of acquittal only on 16.02.2007 and on receipt of the judgment in the criminal case, the respondent submitted his further explanation on 01.07.2007. Therefore, the delay in concluding the departmental disciplinary proceedings cannot be held against the Department. The Department, instead of completing the proceedings, allowed the criminal case to go on and after disposal of the criminal case and on receipt of further explanation from the respondent on 01.07.2007, passed final order in the



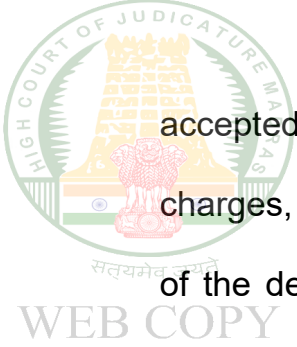
departmental disciplinary proceedings. Therefore, the point of delay raised by the respondent, is unacceptable.

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8. Regarding the findings of the Enquiry Officer, Mr.M.Ravi, learned counsel for the respondent would submit that the witnesses turned hostile. Therefore, the disciplinary authority ought to have exonerated the respondent.

9. The procedures to be followed in a departmental disciplinary proceedings cannot be compared with the criminal trial. Strict proof is required to convict a person under the criminal law. However, no such strict proof is required to punish an employee under the departmental disciplinary proceedings. Preponderance of probabilities are sufficient to punish an employee. An order of acquittal in a criminal case *per se* would not be a ground to seek exoneration from the departmental disciplinary proceedings. The nature of procedures to be followed in criminal trial and departmental proceedings are distinct and different. Even in case of acquittal in a criminal case, the department can still proceed against an employee and impose the penalty based on the documents available on record and on preponderance of probabilities.

10. In the present case, the Enquiry Officer considered the nature of charges as well as the documents available on record. The Enquiry Officer held that the charges are proved. The findings of the Enquiry Officer was

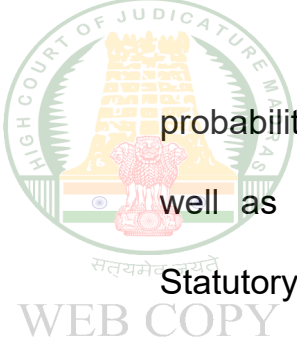


accepted by the Disciplinary Authority. The Government has examined the charges, explanation, the findings of the enquiry officer, further representation of the delinquent officer on the findings of the enquiry officer along with the connected records in PR.No.11/99 against the respondent and accordingly, accepted the findings of the Enquiry Officer, holding that the charges against the respondent as “proved”. Based on the proved charges, the punishment of cut in pension at the rate of Rs.50/- for a period of one year under the Tamil Nadu Pension Rules, 1978 was issued.

11. The High Court, in exercise of the powers of judicial review is expected to restrict its review to determine whether :

- (I) The rules of natural justice have been complied with.
- (ii) The finding on misconduct is proved.
- (iii) The statutory rules governing the conduct of disciplinary enquiry has been observed.
- (iv) Whether the finding of the disciplinary authority suffers from perversity.
- (v) Whether the punishment is disproportionate to the proved misconduct.

12. In the present case, it is not in dispute that the rules of natural justice have been complied with. Opportunities have been afforded to the delinquent officer and he participated in the departmental disciplinary proceedings. The findings of the Enquiry Officer is based on the records available. In a departmental disciplinary proceedings, preponderance of



probabilities are enough to punish an employee. Therefore, circumstances as well as the documents available could be sufficient to form an opinion.

Statutory rules governing the conduct of disciplinary enquiry have been followed in the present case. The disciplinary authority accepted the findings of the Enquiry Officer and imposed the penalty and thus, there is no infirmity.

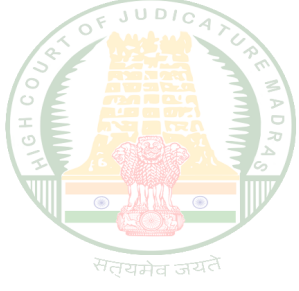
13. Lastly, regarding proportionality, this Court is of the considered view that the punishment of cut in pension at the rate of Rs.50/- for a period of one year under the Tamil Nadu Pension Rules, 1978, cannot be construed as disproportionate to the gravity of the proved charges.

14. For the above reasons, the writ order passed in W.P.No.34053/2012 dated 24.03.2022, is set aside. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
29-06-2026

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

To
J.Raju
Inspector of Police (Retired) D-8A, Parsan Nagar,
36, V.G.P.Salai West Saidapet, Chennai 15.



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**S.M.SUBRAMANIAM J.
and
N.SENTHILKUMAR J.**

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