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W.P. No.20502 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20502 of 2023

and

W.M.P. No.19900 of 2023

M.Govindasamy
S/o Munusamy, No. 3/409, Pugalendhi Salai,
Mogappair East, Chennai 600 037

..Petitioner(s)

Vs

1. The Joint Commissioner of Police,
West Zone, Thirumangalam, Chennai-101.
2. The Deputy Commissioner of Police
Annanagar District, Chennai.
3. The Assistant Commissioner of Police
Thirumangalam Range,
V-3 J.J. Nagar Police Station, Chennai-600 037.
4. The Assistant Commissioner of Police
Arumbakkam, Chennai-106.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice in Tha.Pa.No.19/WZ/2018 dated 21.06.2023 on the file of the 1st respondent and quash the same and further direct the respondent to drop further proceedings in P.R.No.19/Tha.Pi/May.Ma/2018 dated 16.04.2018.

For Petitioner(s): Mr.M.S.Soundararajan

For Respondent(s): Mr.V.Jeevagiridharan
Additional Government Pleader



ORDER

The present writ petition has been filed praying for a writ of certiorarified Mandamus challenging the impugned notice dated 21.06.2023 and further drop the proceedings dated 16.04.2018 on the premise that it is contrary to the directions of this Court in W.P.No.17581 of 2018 dated 26.07.2022.

2. Brief facts:

2.1. Petitioner was working as Head Constable in the respondent Department. During the year 2008, petitioner was falsely implicated in a criminal case registered in Cr.No.5/AC/2008/HQ under Prevention of Corruption Act, along with one Manickam, Sub-Inspector of Police. The above C.C.No.4 of 2010 ended in acquittal vide judgment dated 19.05.2017. Thereafter, a charge memo in P.R.No.19/Tha.Pi/May.Ma/2018 was issued on 16.04.2018.

2.2. It is submitted that the charge memo and the criminal case complaint are in relation to the charges of corruption. Aggrieved, petitioner and one Manickam filed a writ petition before this Court in W.P.No.17580 and 17581 of 2018 challenging the charge memo on the ground that the charges framed were identical to that of the criminal case and the respondents have initiated criminal proceedings after 10 years, on the verge of petitioner's superannuation. This



Court while disposing of the aforesaid writ petition, issued the following directions:

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“22. In that view of the matter, this Court is inclined to dispose of these writ petitions with the following orders:

That the impugned charge memo can be proceeded by the respondents, however in view of the fact that both the petitioners have already superannuated but have not been permitted to retire from service thereby their service benefits i.e. post retiral benefits have not been paid and their livelihood is at stake, hence there shall be a direction to the respondents to complete the disciplinary proceedings pursuant to the impugned charge memo strictly within a period of three months from the date of receipt of a copy of this order for which the petitioners also shall cooperate without taking any unnecessary adjournments. If the respondents are not able to complete the disciplinary proceedings within a period of three months as indicated above, for which, no reason is attributable on the part of the petitioners, at the expiry of the three months period as indicated above, the charge memo which are impugned herein shall not be proceeded further.

23. With these observations and directions, both the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”

2.3. It is further submitted by the learned counsel for petitioner that copies were received on 22.12.2022 and thus 3 months period would expire on 20.02.2023. The first notice came to be issued on 29.03.2023 whereby petitioner



attended enquiry and stated to have cross examined the witnesses. Thereafter, yet another notice dated 18.05.2023 was issued directing the petitioner to appear for personal hearing on 30.05.2023.

2.4. At this stage, petitioner submitted a representation dated 27.05.2023 requesting the respondent authorities to drop further proceedings inasmuch as the timelines fixed by this Court in W.P.No.17581 of 2018 stands elapsed, however, respondents had issued communication dated 21.06.2023 directing the petitioner to submit further representation. It is at this stage, petitioner filed the present writ petition on the premise that the impugned proceedings are contrary to the orders of this Court. Again on 28.06.2023, further memo was issued calling for further representation.

2.5. It is submitted by the learned counsel for petitioner that it may not be open to the Department to proceed with the charge memo inasmuch as the time limit of three months which was fixed by this Court had already expired. Thus, in terms of the orders of this Court, the charge memo ought not be proceeded with.

3. Learned counsel for respondents would submit that the challenge is to the proceedings dated 21.06.2023 and there is a subsequent communication dated 28.06.2023, in the absence of any challenge to the subsequent



proceedings, the writ petition may not be maintainable.

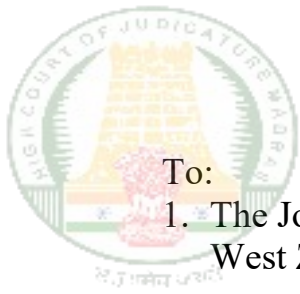
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4. This Court finds merit in the submission of the learned counsel for petitioner inasmuch as if the charge memo could not be proceeded with in terms of the orders of this Court in W.P.No.17581 of 2018, in view of the fact that enquiry is not yet closed within the time lines prescribed. This Court also finds that any further communication to ensure or proceed with the charge memo beyond the period prescribed by this Court in W.P.No.17581 of 2018 may not be justified. Importantly, it is not in dispute that the Department has not submitted any application or sought for extension of time.

5. In that view of the matter, the charge sheet ought not be proceeded with. Needless to state, no further proceedings shall be proceeded with pursuant to the charge memo. The writ petition stands disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

12-03-2026

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



To:

1. The Joint Commissioner of Police,
West Zone, Thirumangalam, Chennai-101.
2. The Deputy Commissioner of Police,
Annanagar District Chennai.
3. The Assistant Commissioner of Police,
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V-3 J.J.Nagar Police Station,
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MOHAMMED SHAFFIQ J.

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