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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Appeal No.1549 of 2026

and

C.M.P.No.14516 of 2026

A. Kannadasan
S/o.Arumugam

..Appellant

Vs

1. The Special Commissioner and Secretary to Government,
Home Department, Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. The Inspector General of Police (Crime)
Old Commissioner's Office Campus,
Egmore, Chennai – 600 008.
4. The Inspector General of Police
(Administration),
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
5. The Superintendent of Police,
Nagapattinam District,
Nagapattinam 611 001.

..Respondents



Writ Appeal filed under Clause XV of the Letters Patent against the order passed in W.P.No.20494 of 2025 dated 12.06.2025.

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For Appellant : Mr.T.Arul Selvan for
Ms.S.S.Jhothivani

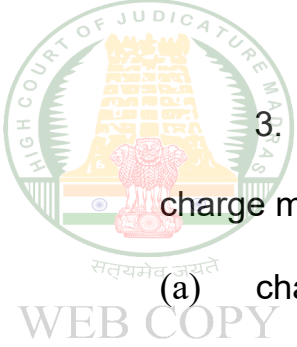
For Respondents : Dr.R.Gouri, Government Counsel

JUDGMENT

(Delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 12.06.2025 passed in W.P.No.20494 of 2025.

2. The writ petitioner is the appellant. The appellant is holding the post of Inspector of Police. The writ petition has been instituted challenging the charge memorandum dated 25.02.2025 issued under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. The grounds raised for challenging the charge memo is that the appellant is in the verge of his promotion to the post of Deputy Superintendent of Police, more so, the alleged incident occurred in the year 2016. The writ Court has considered this issue and found that the charges are grave in nature and therefore, departmental enquiry is inevitable and directed the authorities to complete the enquiry within a period of four months. Thus, the present appeal.

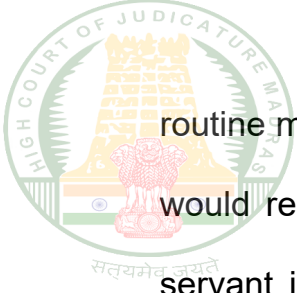


3. The legal principles governing the issue relating to challenge of charge memorandum are that:

- (a) charge memo *per se* would not constitute a cause for filing a writ petition;
- (b) a charge memo can be challenged on limited grounds of jurisdiction or completely vague and incapable of conducting enquiry proceedings;
- (c) if the charge memo is tainted with allegations of malafides.

4. In all other circumstances, the delinquent officer, on receipt of charge memorandum, is expected to submit his explanation/defence statement, which is to be considered by the disciplinary authority and a decision is to be taken to drop the charge or to proceed with the disciplinary proceedings. If a decision is taken to proceed with the disciplinary proceedings, then an enquiry officer is to be appointed, who in turn will conduct the enquiry after affording opportunity to the delinquent officer. However, the procedures contemplated under the relevant Rules for passing final orders are to be followed.

5. In view of the above principles, the High Court, in exercise of powers of judicial review, is expected to exercise restraint in entertaining writ petitions filed challenging the charge memo. A writ petition may not be entertained in a routine manner except the person approaching the High Court is capable of establishing that the charge memo has been issued without jurisdiction or tainted with the allegations of malafides. The writ petition, if entertained, in a



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routine manner would cause prejudice to the departmental proceedings, which would result in causing prejudice to the public interest also. A Government servant is expected to serve with utmost care and interest. In the event of allegations of misconduct or any other charge as contemplated under the relevant Rules, the departmental disciplinary proceedings may be allowed to go on in order to reach finality. Any intermittent interference in departmental proceedings by the Courts would cause prejudice to the interest of the department. Therefore, entertaining a writ petition against a charge memo is not desirable and only in exceptional circumstances, writ petitions are to be entertained on the grounds as stated above.

6. In the present case, the writ Court has considered the above principles and considering the fact that the incident occurred long before, directed the disciplinary authority to complete the enquiry and the departmental disciplinary proceedings within a period of four months. That being the direction issued by the writ Court, no further interference is necessary.

7. Learned Government Counsel would submit that pursuant to the order of the writ Court, enquiry is expedited. The appellant is directed to cooperate for early disposal of the departmental proceedings by not seeking unnecessary documents or seeking unnecessary adjournments on flimsy grounds. The timeline fixed by the Court may be complied, only if the



delinquent officer cooperate for early disposal of disciplinary proceedings. In the event of non-cooperation on the part of the delinquent officer, it may be recorded by the competent authority and the enquiry proceedings may be completed.

In the result, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
18-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No
gm

To

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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

gm

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