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W.A.Nos.3744 & 3746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.Nos.3744 & 3746 of 2025
and
C.M.P.Nos.31007, 31009 & 31011 of 2025**

The Additional Director General of Police,
Crime,
Chennai – 600 008.

... Appellant in both cases

-Vs-

M.Arumugam

... Respondent in W.A.No.3744 of 2025

M.Selvaraj

... Respondent in W.A.No.3746 of 2025

COMMON PRAYER : Appeals filed under Clause XV of Letters Patent,
against the common order dated 06.08.2021 in W.P.Nos.354 & 357 of 2019.

For Appellants : Mr.S.Yaswanth
in both W.As Additional Government Pleader

For Respondents : Mr.G.Bala & Disy
in both W.As



W.A.Nos.3744 & 3746 of 2025

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

These appeals have been directed against the common order passed by the writ Court dated 06.08.2021 made in W.P.Nos.354 & 357 of 2019.

2. In the said order, a charge memo which was impugned before the writ Court was quashed by following the earlier order passed in a similar writ petition in W.P.No.516 of 2019 dated 15.07.2021.

3. Though these appeals have been filed as against the order dated 06.08.2021 made in W.P.Nos.354 & 357 of 2019 where the learned Judge followed the earlier order passed in similar circumstances in W.P.No.516 of 2019 dated 15.07.2021, Mr.S.Yaswanth, learned Additional Government Pleader appearing for the appellant would fairly submit that, the said order made in W.P.No.516 of 2019 had been appealed by the State in W.A.No.2742 of 2023 which was decided by the Division Bench of this Court, where one of us (RSKJ) is a party, by judgment dated 06.08.2025, where the Division Bench has passed the following orders:

“7.6. Therefore, the said ground of non-reference to the Tribunal of the cases involving corruption, being the sole ground of quashing the charge memo issued by way of initiating



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Disciplinary Proceedings by the Disciplinary Authority in the case in hand, as has been decided by the learned Judge through the impugned order, is an erroneous approach. Accordingly, to that extent, we clarify that the impugned judgment of the Writ Court is erroneous, thereby, the charge memo ought not to have been quashed on that sole ground alone.

8.1. Coming to the arguments of Mr.L.Chandrakumar, learned counsel for the respondent/writ petitioner, citing Rule 9 of the 1978 Rules is concerned, it is to be noted that in the year 2017, the respondent/writ petitioner has superannuated, however, he was not permitted to retire. Therefore, after his superannuation, since the Disciplinary Proceedings have been initiated by issuance of charge memo dated 24.12.2018, such proceedings can be possible to be made only by invoking Rule 9 of the 1978 Rules.

8.2. In this context, if we look at Rule 9(b)(2)(a)(ii) of the 1978 Rules, which reads thus:-

“9(b)(2)(a)(ii) shall not be in respect of any event which took place more than four years before such institution.”

Here in the case in hand, the alleged occurrence was in the year February, 2009. The respondent/writ petitioner superannuated in the year 2017 and the proceedings were initiated only on 24.12.2018, therefore, it is beyond four years' period. Hence, even under Rule 9 of the 1978 Rules, such Disciplinary Proceedings cannot be initiated and on that ground, the charge memo impugned before the Writ Court is liable to be interfered with.



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9. Resultantly, the following orders are passed in this writ appeal:

(i) That, insofar as the ground on which the writ petition was allowed by the Writ Court through the impugned order is concerned, the view expressed by the Writ Court in this regard, touching upon Rule 4 of the Tribunal Rules, 1955, is erroneous and therefore, on that ground, since the charge memo ought not to have been quashed by the Writ Court, to that extent, the order passed by the Writ Court through the impugned order is hereby set aside and the legal position is accordingly clarified.

(ii) However, in view of Rule 9(b)(2)(a)(ii) of the 1978 Rules, the Disciplinary Proceedings initiated under Rule 3(b) in P.R.No.9/2018 dated 24.12.2018 cannot be permitted to be proceeded, therefore, the said charge memo is liable to be interfered on that ground and accordingly, it is quashed. To that extent, the writ petition is to be allowed and accordingly, is allowed.

10. The legal position since has been clarified as stated supra, the instant appeal, accordingly, is disposed of. However there shall be no order as to costs. Consequently, C.M.P.No.23065 of 2023 is closed.”

4. Therefore, the present appeals are covered by the said decision of the Division Bench dated 06.08.2025 made in W.A.No.2742 of 2023, the learned Additional Government Pleader submitted.



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5. In view of the said decision where the present issue is covered fully by the decision of the earlier Division Bench dated 06.08.2025 made in W.A.No.2742 of 2023, these appeals are also disposed in the same terms especially in the context of paragraph No.9 of the judgment dated 06.08.2025, accordingly, both these Writ Appeals are disposed of. However there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (S.S.A., J.)
07.01.2026

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

vji

To

The Additional Director General of Police,
Crime,
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