



WEB COPY

WP No. 32228 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 32228 of 2022
and WMP.Nos.31635, & 31637 of 2022**

A.Venkatesan
P.C. No. 3873, S/o. Arunachalam Nadar,
No. 2, Indra Gandhi Nagar, 1st Street,
Tondiarpet, Chennai - 600 081.

..Petitioner(s)

Vs

1. The Inspector-General of Police,
Armed Police, Trichy.
2. The Deputy Inspector of Police,
Armed Police, Chennai - 600 010.
3. The Commandant,
T.S.P. II Battalion, Avadi,
Chennai - 600 054.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent issued dated 04.06.2020 in C. No. C1/11764/2019 P.R. No. 16/2002 u/r 3(b) of TSP BN and quash the same consequently to direct the 3rd respondent to treat the period of absence with effect from 03.12.2001 to 08.01.2002 as duty for all purposes.



For Petitioner(s):

Mr.P.I.Thirumoorthy

For Respondent(s):

Mr.V.Jeevagiridharan,
Additional Government Pleader**ORDER**

The present Writ Petition is filed challenging the impugned proceedings dated 04.06.2020, seeking to quash the same and consequently, to direct the respondents to treat the period of absence with effect from 03.12.2001 to 08.01.2002 as duty period.

2. Petitioner joined as a Grade II Constable in Police Department sometime in the year 1997 and was posted at II Battalion, Avadi. Petitioner was thereafter deputed to Economic Offences Wing-II on O.D., at the request of the Superintendent of Police, Economic Offences Wing, from the parent unit viz., II Battalion. While so serving on O.D., on 28.11.2001, petitioner met with an accident while returning from the residence of his superior officer to his office. Petitioner applied for casual leave from 29.11.2001 to 02.12.2001, hoping that he would recover by then, however on being admitted to Government Stanley Hospital for treatment, he was advised to take medical leave. On medical advise of doctors at the Government Hospital, petitioner requested for medical leave and same was granted by the competent authority, subject to availability of leave in his account. Upon completion of medical leave, petitioner reported for



duty on 24.12.2001.

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3. It is submitted that the Sub Inspector failed to inform the Inspector about the issuance of a sick passport to petitioner and also failed to incorporate it in the General Dairy maintained by the Inspector. It is further submitted that the Inspector, not being aware of the issuance of the sick passport, prepared a desertion note as if petitioner had remained unauthorisedly absent from 03.12.2001 to 23.12.2001.

4. This is the third round of litigation in respect of the very same charges. It is relevant to note that on the previous two occasions, this Court in W.P.Nos.41335 and 41336 of 2005 by order dated 29.10.2010, found that the explanation offered by petitioner was satisfactory, as would be evident from the extract of the relevant portion of the order hereunder:

“17. Even though the petitioner has not submitted any leave application on medical grounds immediately on the expiry of the leave on 2.12.2001, he has appeared before the Inspector of Police (Admn.) E.O.W (II) on 24.12.2001 and submitted medical certificate and fitness certificate issued by the Civil Surgeon, Governemnt Stanley Hospital, Chennai stating that the period of absence in duty from 3.12.2001 to 23.12.2001. The petitioner appeared before the 3rd respondent on 8.1.2002 and submitted his explanation for his absence and he was also allowed to join on the same day itself.



18. In the considered opinion of the Court, the petitioner has offered proper and sufficient explanation for non-joining the duty from 31.12.2001 to 23.12.2001.”

5. Again in W.P.No.20308 and 20309 of 2012 dated 28.03.2019, this Court had reiterated the observation made in the first round of litigation. The relevant portion is extracted hereunder:

“11. Thereafter, the second respondent in W.P.No.20308 of 2012 namely, the Deputy Inspector General of Police, Armed Reserve, Chennai-600 010, passed the impugned order dated 12.04.2011, rejecting the appeal filed by the petitioner in the impugned order. There is no reference to the observation of this Court in Paragraph 18 in the common order dated 29.10.2010 passed in W.P.No.41335 of 2005 and 41336 of 2005 which was as follows:

“18. In the considered opinion of the Court, the petitioner has offered proper and sufficient explanation for non-joining the duty from 31.12.2001 to 23.12.2001.”

The Court had very clearly observed that the petitioner had offered proper and sufficient explanation for non-joining the duty from 03.12.2001 to 23.12.2001. There is also no indication in the impugned order that the second respondent had applied his mind independently to the materials available on record and that he had



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taken an independent decision. It was precisely for that reason the writ petition in W.P.No.41336 of 2005 was allowed and the matter was specifically remanded back to the Appellate Authority. Once again in the impugned order, the extract of the earlier available materials had been produced as “cut and paste”. The only application of mind of the second respondent as is evident from the impugned order is as follows:

“As the punishment awarded was not an excessive and commensurate to the delinquencies committed by the delinquent, I decline to interfere with the punishment already awarded by the punishing authority and confirm the same punishment of “Reduction in the time scale of pay by one stage for one year and the period of reduction shall not operate to postpone his future increments.”

6. Despite the orders of this Court, the impugned order came to be passed, whereby petitioner was awarded the punishment of reduction in time scale of pay one stage for one year without cumulative effect, which was challenged and rejected, whereby the award of punishment was confirmed.

7. This Court finds that the impugned order cannot be sustained, inasmuch as this Court, on two earlier occasions, has found the explanation offered by petitioner to be satisfactory. Therefore, it is not open to the disciplinary authority / respondent to take a different view. In that view of the



matter, the impugned order dated 04.06.2020 is set aside and period of absence with effect from 03.12.2001 to 08.01.2002 shall be treated as period on duty.

The petitioner shall be entitled to all consequential benefits.

8. In view of the above, this Writ Petition stands disposed of. No Costs.

Consequently, connected miscellaneous petitions are closed.

02-04-2026
(2/2)

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

ANU

To

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