



WEB COPY

WP No. 34379 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 34379 of 2022
and WMP.Nos.33837 & 33838 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

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 issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the respondent dated 28.05.2020 issued against the Petitioner in Proceedings No. Rc.No.D.2/12186/2012 and his consequential proceedings dated 01.07.2020 issued against the Petitioner in Rc. No. D2 / PR. No.17/2003, B.O. 535 / 20 and quash the same except the order of reinstatement and consequently to direct the respondent to treat the entire period of out of employment from 04.03.2003 to 01.06.2020 as duty for all purposes including for promotion, seniority, pay allowances on par with his co- batchmate.

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 order dated 28.05.2020, whereby the respondent herein, pursuant to the order of this Court in W.P.No.20309 of 2012 dated 28.03.2019, had awarded a punishment of postponement of next increment for three years, which shall operate to postpone his future increments, while finding that the charges against petitioner under 3(b) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 in P.R.No.17 of 2003 with regard to the following delinquencies were proved.

(i) Highly indisciplined conduct in not having reported for duty at TSP II Bn. Avadi on 02.11.2003 after relieved from EOW II where he was on deputation and thereby deserted the force.

(ii) Highly reprehensible and misconduct in having received monthly salary for the months of 11/2002, 12/2002 and 01/2003 by submitting false petition that he is on O.D at EOW II and thereby cheated the Government.

(iii) Highly unbecoming conduct in preparing false documents and submission of T.A. Claims for the months of 11/2002, 12/2002 and 01/2003.



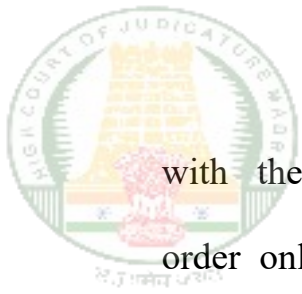
2. The impugned order came to be passed pursuant to the orders of this Court in W.P.No.20309 of 2012, wherein the following directions were given:

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“W.P.No.20309 of 2012 is allowed and the order dated 13.10.2011 on G.O. (2D) No.365 Home (POL IX) Department issued by the 1st respondent confirming the orders of 2nd respondent issued in Rc.No.250196/AP. 3(1)/2003, dated 03.02.2004, the orders of 3rd respondent issued in Rc.No.Estt. I (2)/13986/IG/2003, dated 31.10.2003, the orders of 4th respondent issued in C.No.B2/14548/2003, dated 26.08.2003 and the orders of 5th respondent issued in PR.No.17/2003 u/s 3(b), dated 13.05.2003 are quashed and the 5th respondent in W.P.No.20309 of 2012 is directed to re-examine the issue afresh after giving sufficient opportunity to the petitioner in the light of the Common order of this Court in W.P.Nos.41335 of 2005 and 41336 of 2005 dated 29.10.2010 and pass fresh orders within a period of six months from the date of receipt of a copy of this order.”

3. Petitioner was called for an enquiry on 10.01.2020, 27.01.2020 and 22.02.2020. An enquiry was conducted with the aid of the prosecution witnesses, and petitioner was also permitted to cross-examine the prosecution witnesses, namely Porchezian, EOW Wing II and one Daniel.

4. Petitioner's grievance is in view of the fact that the impugned order has been passed without the petitioner being furnished with copies of the deposition of the witnesses and enquiry report. Further, the impugned order does not deal

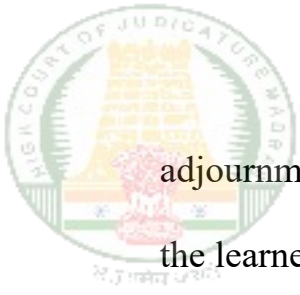


with the submissions of the learned counsel for petitioner. The impugned order only sets out broadly the explanation offered by petitioner, without dealing with the same, and proceeds to award punishment of postponement of next increment for three years, which shall operate to postpone his future increment.

5. On perusal of the impugned order, this Court finds that there is merit in the submission of the learned counsel for petitioner.

6. Learned Additional Government Pleader appearing on behalf of the respondent would place reliance upon the counter affidavit, which would state that all the above aspects were, in fact, taken into consideration while passing the impugned order. However, on a perusal of the impugned order, this Court does not find that there has been due consideration of submission of petitioner's aspects.

7. In that view of the matter, the impugned order is set aside and the matter is remanded back to the respondent herein. At this stage, the learned Additional Government Pleader would submit that petitioner would be furnished with the copies of the deposition of witnesses and the enquiry report, if any and that one personal hearing would be granted before order is passed. He would further submit that petitioner may be directed not to seek any



adjournment and to co-operate with the departmental proceedings. Agreed to by the learned counsel for petitioner.

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8. In that view of the matter, this Writ Petition stands disposed of, with a direction to the respondent herein to furnish to the petitioner a copy of deposition of the witnesses and enquiry report, if any, and also to afford a personal hearing to the petitioner. Thereafter, the respondent shall pass a speaking order, taking into account all relevant aspects and dealing with the objections, if any, that may be submitted by the petitioner. The aforesaid exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

02-04-2026
(1/2)

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

ANU

To
The Commandant
T.S.P. II Battalion, Avadi, Chennai- 600 054.



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MOHAMMED SHAFFIQ, J.

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