Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE E.MANOHARAN

WA No. 3269 of 2026

CNR:{HCMA012107002026}

S.Balasundaram

..Appellant

Vs

1. The Director General of Police
   Tamil Nadu police,
   Dr.Radhakrishnan Salai,
   Mylapore,
   Chennai- 600 004.

2. The Deputy Inspector of General Of Police,
   Villupuram Range,
   Villupuram - 605 602.

3. The Superintendent of police,
   Cuddalore District,
   Cuddalore- 607 001.

..Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the impugned order dated 30.07.2026 made in WP.No.29565 of 2026 and allow this Writ Appeal.

For Appellant: Mr.P.R.Thiruneelakandan

For Respondents: Mr.S.Illamvaludhi
Special Government Pleader

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JUDGMENT

(*Judgment of the Court was delivered by Dr.G.Jayachandran J.***)**

The appellant herein, being aggrieved by the order passed by the learned Single Judge in the writ petition, is before this Court by way of an intra-court appeal.

2. The sum and substance of the case is that the appellant herein was subjected to a domestic enquiry for having an extra-marital affair while his marriage was subsisting and he was charged with bigamy. After considering the evidence placed on record, the disciplinary authority initially passed an order of compulsory retirement, which was later modified to a punishment of stoppage of increment for two years with cumulative effect. The said order dated 30.12.2025 was challenged by way of a Writ of Certified Mandamus, which came to be dismissed by the learned Single Judge.

3. The learned Single Judge observed that the petitioner himself had admitted his live-in relationship with one Parameshwari, out of which a child was born. At the time of child's birth through the second partner, the appellant's marriage with his wife was subsisting. However, though H.M.O.P.No.74 of 2011 was pending.

4. The learned counsel appearing for the appellant submitted that the marriage between the appellant and one Sentamil Selvi was subsequently declared as null and void by a decree passed in H.M.O.P.No.74 of 2011.

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Therefore, the reason for imposing punishment in the domestic enquiry is no more in existence. Hence, the order of the learned Single Judge deserves to be quashed.

5. We find no substance in the above submission for the singular reason that the conduct of a person under the relevant Conduct Rules must be tested as on the date on which the alleged misconduct was committed and not based on subsequent events. The extra-marital relationship with Parameshwari, who was also a police personnel while the earlier marriage was subsisting, is *per se* sufficient to impose punishment.

6. We find that the disciplinary authority, having found that the subsequent events mitigated the gravity of the misconduct has already taken a view by imposing only a stoppage of increment for a period of two years with cumulative effect, which is very minimal punishment for this kind of misconduct. Hence, this Writ Appeal stands dismissed. No costs.

(Dr.G.J.,J.) (E.M.,J.)
27-10-2026

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

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