



WEB COPY



WA No. 271 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 271 of 2026 AND
CMP NO. 2503 OF 2026**

1. The Additional Chief Secretary to
Government, Home (Police) Department,
Fort St.George, Chennai 9.
2. The Director General of Police
Police Head Quarters, Dr. Radhakrishnan
Salai, Mylapore, Chennai 4.
3. The Commissioner of Police
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Periyamet,
Chennai 7.

..Appellants

Vs

P. Jawahar
S/o. A.Peter Pappu,
Inspector of Police,
M-4, Red Hills PS, L and O,
Chennai - 600 110.

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the impugned order dated 13.12.2023 made in Review Application No.102 of 2021.



WA No. 271 of 2026

For Appellants :

Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.E.Veda Bagath Singh
Special Government Pleader

For Respondent :

Mr.S.Prabakaran, Senior Counsel
for Mr.R.Krishna Kumar

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the Writ Court dated. 13.12.2023 in Rev.A.No.102 of 2021 in W.P.No.3198 of 2020.

2. A disciplinary proceedings was initiated against the respondent / writ petitioner, where the enquiry officer has given a report that the charges framed against him has not been proved. Having accepted the enquiry officer's report, the disciplinary authority concluded the disciplinary proceedings by only reprimanding the writ petitioner without imposing any punishment. When this was appealed to the appellate authority, the appellate authority also concurred with the said view taken by the disciplinary authority. The review authority ie., the Commissioner of Police, by invoking his *suo motu* power under Rule 15A(I)(i) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules had taken a *suo motu* proceedings and after seeking for an explanation, he



WA No. 271 of 2026

has also accepted the view expressed by the disciplinary authority and dropped the proceedings. Thereafter, further proceedings has been initiated *suo motu* only by the Additional Chief Secretary to the Government of Tamil Nadu, who is the appellant herein imposed the punishment of stoppage of increment for one year with cumulative effect against the delinquent by issuing G.O.(2D) No.241 dated 02.08.2019.

3. The said order passed by the State Government through the Additional Chief Secretary to the Government, Home Department was questioned before the writ court in the said writ petition No.3198 of 2020. The writ court, after having considered the factual matrix of the case, has accepted the view taken by the disciplinary authority, appellate authority as well as the review authority but rejected the *suo motu* action taken by the Government and thereby allowed the writ petition.

4. As against the said order, no appeal has been filed by the State or the present appellants and the said order passed by the writ court in the original writ petition has become final. However, a review application has unsuccessfully been filed in 2021 in Rev.A.No.102 of 2021 mainly to get a review with regard to the findings given by the learned judge as to the *suo motu* power available for the authority concerned under the



WA No. 271 of 2026

relevant rules. This has been clarified by the Court in ordering the Review Application No.102 of 2021 only to the limited extent of declaring the *suo motu* power vested with the authority concerned, that means, with regard to the merits of the case, the findings given by the learned Judge in the writ court in the original writ petition having been accepted, the review application was rejected through the impugned order dated 13.12.2023.

5. The appellants herein, while not choosing to file an appeal against the original order passed in the writ petition in W.P.No.3198 of 2020 dated 18.09.2020, has chosen to file the present appeal only against the order dated 13.12.2023 in Rev.A.No.102 of 2021, where, their main attempt to get a finding with regard to their *suo motu* power since has succeeded, they may not have any other grievance to agitate in the present appeal. The reason being that, the findings given by the learned Judge in the original order dated 18.09.2020 is still intact, as it has not been touched because no appeal since has been filed, the present appeal cannot be entertained.

6. In that view of the matter, the appeal deserves to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The order passed by the writ court in



WA No. 271 of 2026

W.P.No.3198 of 2020 dated 18.09.2020 as well as the order dated 13.12.2023 passed in Rev.A.No.102 of 2021, which is impugned herein shall be complied with by the appellant Department within a period of two months from the date of receipt of a copy of this order.

(R.S.K.,J.) (S.S.A.,J.)
06-02-2026

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

KST

To

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Page 6 of 6