



WA No. 46 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 46 of 2026
AND CMP NO. 510 OF 2026**

1. The Secretary to Government,
Home (Police-IV) Department,
Fort St.George, Chennai -09.
2. The Director General of Police,
Dr.Radhakrishnan Road, Mylapore,
Chennai – 04.
3. The Additional Director General of Police(Admin),
Dr.Radhakrishnan Road, Mylapore,
Chennai – 04.
4. The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.
5. The Superintendent of Police
Tirunelveli District, Tirunelveli.
Tirunelveli District.

Vs

..Appellants

A.Chandrasekaran,
S/o.(Late) R.Arumugam, No.10-B,
Ganapathy Layout, 1st Cross, K.K.Puthur,
Coimbatore -641 038.

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the Order passed in W.P.No.30668 of 2022 dated 25.04.2025.



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For Appellant :

Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.E.Veda Bagath Singh
Special Government Pleader

For Respondents :

Mr.K.Sathish Kumar
for Mr.Ma.Pa.Thangavel

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

This intra Court appeal has been directed against the order passed by this Court dated 25.04.2025 made in W.P.No.30668 of 2022.

2. The respondent was the writ petitioner, who was working as Sub Inspector of Police, against whom a disciplinary proceedings was initiated by framing charges under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 in P.R.No.30 of 2013. Though an explanation has been given, not satisfied with the same, the disciplinary authority conducted an enquiry. Before the enquiry officer, it has been clearly stated by the delinquent that there has been no basis for the charges framed against him. The enquiry officer found that the charge No.1 was proved and charge No.2 was not proved. Accepting the said enquiry officer's report, the disciplinary authority imposed a punishment of stoppage of increment for two years which shall operate to postponement of his future increment.



3. Thereafter, the writ petitioner preferred a mercy petition to the second appellant on 07.04.2015 and the second appellant reduced the punishment into one of 'postponement of increment for six months without cumulative effect'. Thereafter, the writ petitioner preferred a petition to the first appellant and the same was rejected vide G.O.(D) No.205, Home (Pol.IV) Department dated 17.02.2017. Cumulatively challenging all these orders, the writ petitioner has filed the writ petition.

4. The sum and substance of the charges against the delinquent was that, while he was assisting the Public Prosecutor in a Habeas Corpus Petition, he has not properly assisted him by giving proper information as if that he had not received any complaint in the concerned police station and therefore there was no necessity to register a FIR. However, some order was passed in the Habeas Corpus Petition, which was unwarranted according to the appellant Department and had it been brought to the notice of the Public Prosecutor that there has been no complaint, such an order would have been averted and the said order would not have been passed by the Court. Therefore, there is dereliction on the part of the delinquent officer was the charge framed against him.

5. Even though explanation had been given, that was not considered in proper perspective by the enquiry officer as well as the appellate authority including



the Government, which decided the mercy petition. However, the learned Writ Court has considered the factual aspect that the writ petitioner / delinquent in fact had filed a status report through the Public Prosecutor and the said report along with the docket sheet was procured by the writ petitioner / delinquent, and the same had been produced before the third appellant, despite which the third appellant had not considered the same. That apart, the writ petitioner also obtained a letter from the Government Advocate, Madurai Bench of Madras High Court to establish that the delinquent has given proper information in the Habeas Corpus Petition. Despite production of aforesaid material, overlooking the same, the third appellant passed the order of punishment on 18.10.2014 and even the appellants 1 and 2 did not consider these factual aspects and the status report relied on by the writ petitioner. All the above were considered by the writ Court in Para 10 of the order impugned and ultimately the punishment orders were set aside and the writ petition was allowed.

6. An attempt has been made by Mr.P.Kumaresan, learned Additional Advocate General stating that, one of the two charges since has been proved, for which a minimum punishment alone was inflicted by the disciplinary authority, and even that has been reduced or modified by the appellate authority as well as the revisional authority only to the extent of stoppage of increment for six months without cumulative effect, which is only a minor punishment, challenging the same by filing a writ petition is totally unwarranted and moreover, in commensurate with



the proven charges only such a punishment, even the modified punishment since has been imposed, the same ought not to have been interfered by the Writ Court, he contended.

7. We are not impressed with the said submission of the learned Additional Advocate General for the simple reason that, the very basis of the charges framed against the writ petitioner was that, he had not given proper instruction in that particular Habeas Corpus Petition, but the fact remains that, there was a status report filed with regard to the facts of the said case by the delinquent officer and the copy of the same, after it is received from the Public Prosecutor has been produced before the third appellant. That apart, a letter from the Government Advocate, Madurai Bench of Madras High Court to establish that he has given proper instruction in the HCP also has been produced. Despite these documents, which would clearly establish that there has been no basis for framing of such charges against the delinquent, which have not been proved, such punishment has been inflicted by the third appellant. That was also not considered by the appellate as well as revisional authority.

8. Therefore, there was every justification on the part of the learned Writ Court to interfere with the said punishment including the modified punishment by allowing the writ petition. We are of the view that we do not find any plausible



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reason to interfere with the order passed by the Writ Court. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9. However, it is made clear that the order passed by the Writ Court dated 25.04.2025 shall be complied within a period of two months from the date of receipt of a copy of this order. The appearance of the officer in the contempt proceedings pending before the learned Single Judge be dispensed with for the present ie., till the compliance of the order within two months as directed above.

(R.S.K.,J.) (S.S.A.,J.)
08-01-2026

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

KST



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To

WEB COPY

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