



W.P(MD) No.6170 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.03.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.6170 of 2023

Ganesan

... Petitioner

Vs

1. Principal Secretary to Government,
Home Department,
Fort. St. George,
Chennai.

2.The Director General of Police,
O/o.D.G.P., Dr. Radhakrishnan Salai,
Mylapore,
Chennai.

3.The Superintendent of Police
Theni,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent bearing Rc.No.035941/AP II (3)/2016 dated 21.09.2022 and the consequential proceedings of the 3rd



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respondent bearing No.D.O.831/2022 dated 27.09.2022 and consequential re-fixation of pay vide impugned order bearing D.O.No. 976/2022 Na.Ka.No.F3/40568/ 2022 dated 25.11.2022 and quash the same and consequently direct the respondents to re-fix the scale of pay applicable to the petitioner by considering his length of service and Rank / Grade within a period of time that may be stipulated by this Court.

For Petitioner : Mr.S.Siva Ilaiyaraja

For Respondents : Mr.B.Ramanathan

Additional Government Pleader

ORDER

The petitioner who is working as a Grade-I Police Constable was subjected to disciplinary proceedings on the ground of unauthorised absence for a period of 18 days and the said proceedings culminated into vide proceedings No.PR-43/F1/2013 dated 05.05.2014 imposing the punishment of compulsory retirement from service and the said proceedings was confirmed in appeal vide proceedings No.AP-27/A2/2014 dated 10.07.2014 and in Revision vide proceedings bearing Rc.No.179624/APII(3) 2015 dated 13.11.2015.



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2. The said proceedings were subject matter of challenge before this Court in W.P.(MD)No.4084 of 2016 and a Co-ordinate Bench of this Court vide order, dated 19.04.2022 having taken note of an undertaking given by the petitioner not to repeat such misconduct in future has been pleased to set aside the impugned orders, whereby the punishment of compulsory retirement was imposed on the petitioner and directed for reinstatement of the petitioner into service. The said order dated 19.04.2022 has become final and the same was given effect to by the respondent No.2 herein for reinstating the petitioner into service vide proceedings in RC.No.035941/AP II(3)/2016 dated 21.09.2014.

3. However, while reinstating the petitioner into service through the said proceedings dated 21.09.2022 the 2nd respondent issued further orders imposing the punishment of postponement of increment for a period of 2 years which shall operate to postponement of future increments, purportedly modifying the earlier punishment of compulsory retirement. As seen from the order dated 19.04.2022 passed by this Court, while setting aside the earlier punishment of compulsory



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retirement, there was no liberty granted to respondent No.2 to modify the punishment that was earlier imposed. The operative portion of the order, dated 19.04.2022 reads as under :

“6. Therefore, recording the said submission, this Court is of the considered opinion that the petitioner deserves one more opportunity. Therefore, this Court set aside the impugned order and the respondents are directed to reinstate the petitioner with continuity of service. However, the petitioner is not entitled to any back wages from the date of dismissal from service. This order shall be implemented within a period of six (6) weeks from the date of receipt of a copy of this order.”

4. In the light of the categorical order passed by this Court by setting aside the punishment of compulsory retirement and directing for reinstatement of the petitioner, it is not open for the respondent No.2 to 4 to impose further punishment in the very same disciplinary proceedings in the guise of modifying earlier punishment. There is no liberty granted to the respondent No.2 to impose a lesser punishment or otherwise and in the light of the fact that the order dated 19.04.2022



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passed by this Court has attained finality the impugned order to the extent of imposing the punishment of postponement of increment for a period of two years etc., cannot be allowed to stand.

5. In view of the above, the impugned order to the extent of imposing the punishment of postponement of increment for a period of two years is hereby quashed. Accordingly, the writ petition is allowed and consequential benefits for which the petitioner may be entitled consequent upon setting aside the punishment in question shall be released as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
Internet : Yes / No
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MUMMINENI SUDHEER KUMAR, J.

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