



W.A.(MD)No.1087 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.1087 of 2023
and
C.M.P.(MD)No.8250 of 2023**

1.The Principal Secretary to the Government,
Home (Police - VI) Department,
Secretariat, Chennai.

2.The Superintendent of Police,
Thiruchirappalli,
Thiruchirappalli District.

... Appellants

Vs.

A.Kanagasabapathy

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.8711 of 2014 dated 20.10.2022 on the file of this Court.

For Appellants : Mr.S.S.Madhavan,
Addl. Government Pleader.

For Respondent : Mr.K.V.Subramanian



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JUDGMENT
(By G.R.SWAMINATHAN, J.)

The government has filed this writ appeal challenging the order dated 20.10.2022 made in WP(MD)No.8711 of 2014 filed by the respondent herein.

2.Kanagasabapathy / respondent herein was appointed as Grade II Police Constable on 27.10.1984. When he was working in Vayampatti Police Station, charge memo was issued under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. The charge against the writ petitioner was that he had brought one L.... to the police station for interrogation on 27.07.1989 and thereby breached the statutory mandate set out in Section 160(1) of Cr.P.C. Enquiry was conducted and ultimately, Kanagasabapathy was found guilty. He was imposed with the punishment of stoppage of increment with cumulative effect for a period of one year. Challenging the same, Kanagasabapathy filed appeal before the government. The government rejected the same vide G.O.(2D)No.273 Home (Pol.2) Department dated 10.06.2004. Parallely, Kanagasabapathy was also criminally prosecuted. The Additional Assistant Sessions Court, Trichy had convicted and sentenced Kanagasabapathy vide judgement dated 01.02.2000. Aggrieved by the



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same, Kanagasabapathy filed Criminal Appeal No.32 of 2000 on the file of I Additional District and Sessions Court Cum Chief Judicial Magistrate, Trichy. The appellate Court vide judgment dated 04.10.2000 set aside the conviction and punishment imposed on Kanagasabapathy and acquitted him. Kanagasabapathy moved the government once again seeking review of the punishment imposed on him departmentally. The review petition was dismissed vide GO (2D) No.692 dated 18.11.2013. Challenging the same, W.P.(MD)No.8711 of 2014 was filed. The learned Single Judge vide order dated 20.10.2022 modified the punishment in the following terms:-

“7.It is seen from the records that, only allegation against the petitioner is that he brought one L... wife of T..... to the police station for interrogation. Subsequently, the petitioner has compelled her for interrogation and caused grievous hurt. The claim of the petitioner is that the said L.... has become hostile witness and hence, there is no proof that the petitioner has committed the alleged offence.

8.On perusal of the counter affidavit filed by the respondents, the respondents had simply stated in the counter that P.W.1 to P.W.5 had deposed before the enquiry officer. The respondents have not clearly stated that, Whether the said L..... has turned hostile or not?. Therefore, the version of the petitioner ought to be accepted since there is no clear denial from the



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respondents. Therefore, this Court is of the considered opinion that, since the petitioner was acquitted from the criminal proceedings and there is no independent evidence to prove the allegation, the punishment imposed on the petitioner ought to be interfered with.

9.The respondents have imposed the punishment of stoppage of increment with cumulative effect for one year inclusive of period spent on leave, if any and pension will be affected. Based on the above discussions the punishment is modified as stoppage of increment for six months without cumulative effect and the same shall not affect the pensionary benefits. Consequently, the respondents are directed to regularize the service of the petitioner without affecting his seniority and promotion. This order shall be implemented within a period of four weeks from the date of receipt of a copy of the order.”

Assailing the said order, Government has filed this writ appeal.

3.The only question that calls for consideration is whether the order passed by the learned Single Judge warrants interference.

4.It is true that Kanagasabapathy / writ petitioner was acquitted by the appellate Court. But the government declined to take cognizance of the acquittal and concurred with the finding of guilt and imposed punishment on him. This stand was reiterated during review also. The



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learned Single Judge modified the punishment on the sole ground that evidence was not clear as to whether the victim turned hostile during departmental enquiry (vide para 8 of the impugned judgment).

5.The learned Single Judge did not exonerate the writ petitioner. On the other hand, the punishment imposed on him alone was modified. It is well settled that the High Courts, in exercise of power under Article 226, do not interfere with the quantum of punishment unless there exist sufficient reasons therefor and only in exceptional cases. The Hon'ble Supreme Court in the decision reported in **(2008) 7 SCC 580 (vide State of Meghalaya v. Mecken Singh N. Marak)** reiterated that the punishment imposed by the disciplinary authority or the appellate authority cannot be subjected to judicial review unless its disproportionality shocks the conscience of the court. The Hon'ble Supreme Court further cautioned that if the charged employee holds the position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct, in such cases has to be dealt with with iron hand.



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6. We need to see if the punishment imposed on the writ petitioner can be said to be disproportionate to the charge framed against him. We cannot lose sight of the fact that the delinquent was a member of the uniformed forces holding a position of authority. In order to satisfy ourselves, we verified if the victim had identified or implicated the writ petitioner during her deposition in the departmental enquiry. We called for the original file and found that the victim had clearly stated that it was Kanagasabapathy who brought her to the police station. The observation of the learned Single Judge that evidence is not clear if the victim turned hostile during enquiry is not correct. In view of her clear testimony, we conclude that the finding of the enquiry officer rests on solid evidence. As already noted, the finding of guilt has not been interfered with by the learned single Judge. When the victim's evidence is available, there was no need to look for corroboration in such cases. The learned Single Judge recorded that since there is no independent evidence to prove the allegation, the punishment imposed warrants modification. We do not agree with the said approach.



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7.The Hon'ble Supreme Court in **Mecken Singh** mandates the writ court to record cogent reasons for modifying the quantum of punishment and record as to why a given punishment is so disproportionate as to shock the judicial conscience. In the impugned judgment, no reasons have been given for modifying the punishment. We cannot forget the fact that the woman brought by the petitioner to the station is in clear breach of the statutory mandate ended up as a victim of rape. In these circumstances, the punishment imposed on the petitioner cannot be said to be so disproportionate as to shock our conscience.

8.In this view of the matter, the order passed by the learned Single Judge is set aside and the punishment imposed on the writ petitioner is restored and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
29.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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