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W.P.Nos.32421 & 32426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.32421 & 32426 of 2024
and W.M.P.Nos.35205, 35211 & 35213 of 2024

M.Ravindran

... Petitioner in both
W.Ps.

Vs.

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

2. The Joint Commissioner of Police (South),
Greater Chennai Police,
Chennai – 600 016.

... Respondents in
both W.Ps.

Prayer in W.P.No.32421 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to include the name of the petitioner for panel for promotion to the post of Deputy Superintendent of Police for the year 2024-2025 and accordingly promote him to the post of Deputy Superintendent of Police by taking into consideration the fact that there is no charge memo pending as on the crucial date for preparation of the panel from the dated on which others who are included in the panel are promoted with all service and monetary benefits.



W.P.Nos.32421 & 32426 of 2024

Prayer in W.P.No.32426 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Charge Memo C.No.D1/SB/147/8824719/2024 dated 24.09.2024 (received by the petitioner on 30.09.2024) and quash the same and consequently direct the respondents to drop all further proceedings against the petitioner.

In both W.Ps.

For Petitioner : Mrs.Dakshayani Reddy, Senior Counsel
For Ms.S.Suneetha

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

COMMON ORDER

The Writ Petition in W.P.No.32426 of 2024 has been filed challenging the orders passed by the second respondent dated 24.09.2024, thereby issuing charge memo to conduct disciplinary proceedings. The Writ Petition in W.P.No.32421 of 2024 has been filed for directions directing the respondents herein to include the name of the petitioner for panel for promotion to the post of Deputy Superintendent of Police for the year 2024-2025 and accordingly promote him to the post of Deputy Superintendent of Police by taking into consideration the fact that there is no charge memo pending as on the crucial date for preparation of the panel from the date on which others who are included in the panel are promoted with all service and monetary benefits.

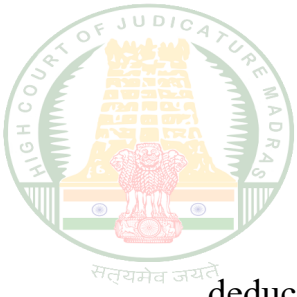


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2. The petitioner was appointed to the post of Sub Inspector of

Police by direct recruitment under category III on 02.06.1997. Thereafter, the petitioner was considered for conversion to Taluk Police after undergoing necessary practical training. Subsequently, he was promoted to the post of Inspector of Police in the year 2008-2009. While being so, when the petitioner was working as a Trainee Police Officer at J5 Police Station at Adyar, on 21.08.2005 during the night patrol, the petitioner had arrested four persons alleging that they had altercation among themselves. Thereafter, the petitioner had registered the FIR in Crime No.1962 to 1965 of 2005 as against all four persons.

3. Thereafter, the said accused persons lodged complaint in SHRC case No.5436 of 2005 before the State Human Rights Commission alleging that they were tortured by the petitioner in the Police Station. The complaint was enquired and subsequently the Human Rights Commission by an order dated 10.02.2014, recommended that the Government of Tamil Nadu shall make a payment of Rs.15,000/- as compensation to the complainant out of which a sum of Rs.10,000/- has to be recovered from the petitioner and a sum of Rs.5,000/- has to be recovered from another person, who was working as Head Constable.



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4. After the period of three years, the said amount was deducted from the petitioner's salary account by an order dated 15.02.2017. In fact, the recommendation in Case No.5436 of 2005 by an order dated 10.02.2014 was challenged before this Court in W.P.No.25454 of 2024 and subsequently, it was withdrawn and the Writ Petition was dismissed by an order dated 05.01.2015. Now after a period of nine years, the petitioner was served with charge memo dated 24.09.2024, by the second respondent consisting the following charges.

"குற்றச்சாட்டு

காவல் ஆய்வாளர்,

தனிப்பிரிவு குற்றப்புலனாய்வு துறை திருநெல்வேலி
மாவட்டம் ஆகிய நீர் இதற்கு முன்னர் கடந்த
2005ம் வருடம் ஜே5 சாஸ்திரி நகர் (சட்டம்
ஒழுங்கு) காவல் நிலையத்தில் காவல் உதவி
ஆய்வாளராக பணிபுரிந்த போது கடந்த 21.08.2005
சுமார் 12.30 மணியளவில் பெசன்ட் நகர் 6வது
அவென்யூ, எலியட் கடற்கரை அருகே நின்று
கொண்டிருந்த திரு.உடையார் பாண்டியன்,
த/பெ.ராஜா மற்றும் திரு.குருநாதன், த/பெ.திரு.
சுந்தரலிங்கம் மற்றும் மூன்று நபர்களை
சந்தேகத்தின் அடிப்படையில் நிலையத்திற்கு
கொண்டு வந்து, திரு.குருநாதன் Minor என்பதால்
அவரை நிலைய வாசலில் விட்டுவிட்டு, சுமார்
3.30 மணியளவில் திரு.உடையார் பாண்டியன் மற்ற
மூவர் மீது ஜே-5 சாஸ்திரி நகர் காவல் நிலைய
குற்ற எண்கள் 1962 to 1965/2005 ச/பி 41(i)
கு.வி.மு.ச. படி பதிவு செய்து, உடையார்
பாண்டியனை கம்பால் அடித்து ரத்த காயம்
ஏற்படுத்தியதாகவும், இதனால் தனக்கு மன
உளைச்சல் ஏற்பட்டதாக கூறி திரு.குருநாதனின்
தகப்பனாரான திரு.சுந்தரலிங்கம் என்பவர்



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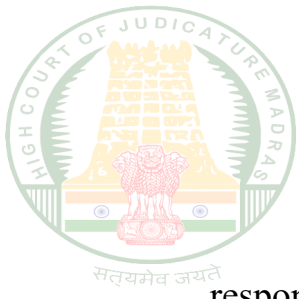
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தமிழ்நாடு மாநில மனித உரிமை ஆணையத்தில்
புகார் அளித்ததன் பேரில் உம்மீது வழக்கு
பதிவு செய்யப்பட்டு, விசாரணை மேற்கொண்ட
மனித உரிமைகள் ஆணையம் உமக்கு ரூ.10,000/-
அபராதமும், துறை ரீதியான நடவடிக்கை
எடுக்கவும் உத்தரவு பிறப்பித்துள்ளது. கட்டுப்பாடும்
கண்ணியமும் மிகுந்த காவல்துறைக்கு
பொதுமக்கள் மத்தியில் களங்கம் ஏற்படுத்தும்
வகையில் நடந்து கொண்ட உமது மேற்படி
செயலானது கடமை தவறிய கண்டிக்கதக்க
குற்றம்."

For the occurrence took place in the year 2005, ie., on 21.08.2005, now the petitioner was served with charge memo after the period of 19 years, from the date of the alleged occurrence. Challenging the same, the petitioner filed the present Writ Petitions.

5. The learned Senior Counsel appearing for the petitioner raised only one ground to challenge the charge memo that is on the ground of latches.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



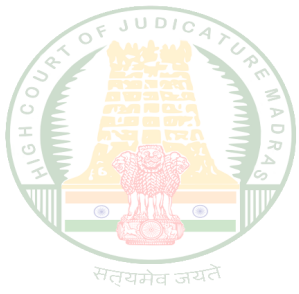
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7. Admittedly, there is no explanation on the side of the respondents to substantiate the delay in serving the charge memo, after the period of 10 years from the order passed by the State Human Rights Commission in Case No.5436 of 2005 viz., on 10.02.2014. In fact, the fine amount was recovered from the petitioner's salary account on 15.02.2017. Even then, the respondents did not initiate any disciplinary proceeding as against the petitioner and only in the year 2024, the petitioner was served with charge memo. In this regard, it is relevant to rely upon some of the judgments of the Hon'ble Supreme Court of India as follows:-

(i) In *State of Madhya Pradesh v. Bani Singh and another* reported in *1990 (Supp) SCC 738*, the Hon'ble Supreme Court of India had come down heavily against the laches on the part of the employer in conducting departmental enquiry and after finding out that there was no satisfactory explanation for the inordinate delay, it was held that it would be unfair to order departmental enquiry to proceed further.

(ii) In *Union of India v. CAT* reported in *2005 (2) CTC 169 (DB)*, the Hon'ble Supreme Court of India Court held that,

"The delay remains totally unexplained. Therefore,



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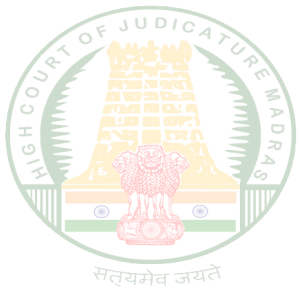
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we have no hesitation at all in concluding that the ground of inordinate delay in proceeding with the departmental enquiry as referred to above by us, would come in the way of the Govt., to continue with the enquiry any further....."

(iii) In ***P.V.Mahadevan v. M.D. Tamil Nadu Housing Board*** reported in **2005 (4) CTC 403**, the Hon'ble Supreme Court of India Court after referring to various decisions, held that,

"The protracted disciplinary enquiry against a government employee should, therefore be avoided not only in the interest of the government employee but in public interests and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer.

15. We therefore, have no hesitation to quash the charge issued against the appellant. The appeal is



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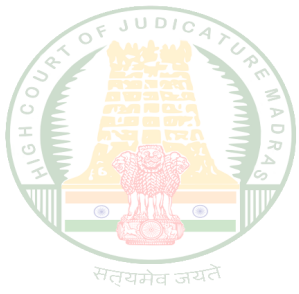


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allowed. The appellant will be entitled to all the retiral benefits in accordance with law. The retiral benefits shall be disbursed within three months from this date. No cost."

(iv) In the case of *the Special Commissioner and Commissioner of Commercial Taxes, Chepauk v. N.Sivasamy* reported in 2005 (5) CTC 451, the Division Bench of this Court held as follows:

"Though the alleged lapse occurred in the year 1995 and certain charges related to the period 1993-94, the charge memo was issued on 15.07.1997 and served on 23.07.1997, just 7 days before the date of retirement. The contention of the appellant that only with a view to cause hardship, agony and anguish, the charge memo was issued cannot be ignored..... We have already pointed out that though the applicant failed Original Application No.6284/97, challenging the charge memo, dated 15.07.1997, admittedly, no stay was granted. Despite the above fact that the department had not proceeded with the disciplinary proceedings, there is an inordinate and unexplained delay on the part of the department. According to the applicant, he is 67 years of age as on the date and had rendered 38 years of service in the department. He had undergone sufferings from mental worry, agony, anguish and hardship for all these



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years. *We are satisfied that there is no need to pursue the charge memo, dated 15.07.1997."*

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(v) In yet another decision in ***R.Tirupathy and others v. the District Collector, Madurai District and others*** reported in **2006 (2) CTC 574**, this Court was pleased to quash the charge memo, dated 02.02.2005 on the ground that the charges relate to purchase of uniforms during the year 1994-95 and 1995-96 and the inordinate delay on the part of the department in issuing a charge memo was not properly explained.

(vi) The Hon'ble Supreme Court of India in ***M.V.Bijlani v. Union of India and other*** reported in **2006 (5) SCC 88**, quashed the order of removal from service, confirmed by the appellate authority on various grounds particularly, on the ground that initiation of disciplinary proceedings after six years and continuance thereof, for a period of seven years prejudiced the delinquent officer.

(vii) In ***M.Elangovan v. The Trichy District Central Co-operative Bank Ltd.***, reported in **2006 (2) CTC 635**, this Court, while quashing the



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second show cause notice on the ground of inordinate and unexplained delay in initiating and completing the disciplinary proceedings, allowed the Writ Petitions holding that the petitioners therein were entitled to all the benefits in accordance with law. The same view has been expressed by this Court in yet another decision in *Parameswaran v. State of Tamil Nadu* reported in **2006 (1) CTC 476**. Thus it is clear that framing of charges over a period of ten years is hit by delay and laches.

8. That apart, as per the order passed by the State Human Rights Commission, fine amount was recovered from the petitioner to the tune of Rs.10,000/- by an order dated 15.02.2017. Further issuance of direction to initiate disciplinary proceedings is amount to double punishment which is not permissible in the service jurisdiction. On this ground also the charge memo issued as against the petitioner cannot be sustained and is liable to be quashed.

9. Accordingly, the impugned charge memo dated 24.09.2024 passed by the second respondent is hereby quashed. In view of the quashment of the charge memo, the petitioner is entitled to be included in the panel for promotion to the post of Deputy Superintendent of Police



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for the year 2024-2025. Accordingly, the respondents are directed to include the name of the petitioner in the panel for the promotion to the post of Deputy Superintendent of Police for the year 2024-2025 and promote the petitioner to the post of Deputy Superintendent of Police whenever the vacancy arises, if he otherwise eligible for promotion.

10. With the above directions, both the Writ Petitions stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

25.11.2025

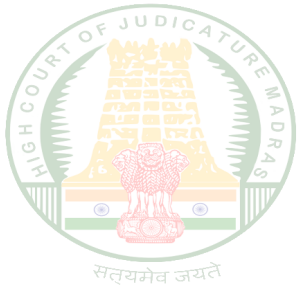
Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

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