

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.3.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.26205 of 2013

S.Gopinath

... Petitioner

Vs.

1. The Deputy Inspector General of Police
Vellore Range, Vellore

2. The Superintendent of Police
Kancheepuram District
Kancheepuram

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus calling for records relating to 2nd respondent order made in P.R.No.117/ 2009 dated 27.7.2012 as confirmed by the 1st respondent in C.No.B2/ AP.No.11/2012 dated 04.10.2012 to quash the same and consequently direct the respondents to extend all benefits both service and monetary.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

The petitioner was involved in a criminal case registered by Pallipattu Police Station, Thiruvallur District in Crime No.330 of 2009. The second respondent having found that the petitioner was involved in a criminal case initiated Disciplinary Proceedings against him. The Disciplinary Authority imposed a punishment of postponement of increment for a period of three years with cumulative effect. The petitioner filed a statutory Appeal before the first respondent. In the meantime, he was acquitted by the Criminal Court. The appellate authority rejected the appeal and passed an order without indicating any reason. The said order is under challenge in this writ petition.

2. There is no dispute that the appeal before the first respondent was a statutory appeal. The appellate authority is bound to consider the factual matrix and arrive at an independent decision. However, the order passed by the appellate authority does not contain any reason much less justifiable reason. The order does not contain any indication that the subsequent judgment of acquittal was taken note of by the appellate authority. The matter therefore requires fresh consideration by the appellate authority.

3. In the result, the impugned order is set aside and the matter is remitted to the first respondent for fresh consideration. The appellate authority is directed to consider the appeal once again in the light of the judgment of acquittal dated 25.4.2012 in C.C.No.249 of 2011 on the file of Additional District and Sessions Court cum Fast Track Court No.III, Thiruvallur. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The writ petition is allowed to the extent indicated above.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Inspector General of Police
Vellore Range, Vellore

2. The Superintendent of Police
Kancheepuram District, Kancheepuram

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.13935

+1cc to the Government Pleader, S.R.No.13600

W.P.No.26205 of 2013

KJI (CO)
CA(24/03/2015)