



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P.(MD)No.2725 of 2015 and M.P.No.1 of 2015

WEB COPY

V.Malhotrapandian

: Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Armed Reserve, Ramanathapuram.

3.The Deputy Superintendent of Police,
District Crime Record Bureau,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari to call for the records pertaining to the impugned order dated 02.01.2015, Tha.Pa.No.156/14, passed by the first respondent and quash the same as illegal.

For Petitioner

: Mr.R.Venkatesan

For Respondents

: Mr.S.Kumar

Additional Government Pleader

O R D E R

Mr.S.Kumar, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The petitioner is aggrieved against the order of punishment dated 02.01.2015 passed by the first respondent herein. Through the impugned order, the petitioner was imposed with the punishment of postpone of increments for a period of two years without cumulative effect.

3. It is seen that the petitioner earlier approached this Court by filing W.P.[MD].No.20623 of 2014. In the said Writ Petition, an order came to be passed on 18.12.2014, after hearing the learned counsel on either side, directing the petitioner to give his explanation to the charge memo, dated 23.08.2014, within a period of fifteen days from the date of receipt of a copy of the said order. It is further seen that though the said order was passed on 18.12.2014 and the petitioner made copy application on the very same day, the order copy was made ready only on 08.01.2015 and he was able to receive the order copy on the very same day itself. However, in the meantime, the first respondent passed the impugned order of punishment on 02.01.2015, without even waiting for the petitioner to give explanation within the time stipulated by this Court, as stated supra.



4. Considering the above said facts and circumstances of the case, I am of the view that the impugned order passed by the first respondent is not in accordance with the direction issued by this Court, on 18.12.2014, made in W.P.[MD].No.20623 of 2014 and on the other hand, even though the said order came to be passed, after hearing both the parties, the first respondent has chosen to pass the present impugned order in total ignorance of the earlier passed by this Court. Therefore, I am of the view that the impugned order cannot be sustained. Accordingly, the impugned order, dated 02.01.2015, passed by the first respondent is set aside and the matter is remitted back to the first respondent, who shall pass fresh orders, after getting explanation from the petitioner. The petitioner shall give his explanation within a period of seven days from the date of receipt of a copy of this order and the first respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thereafter.

5. The Writ Petition is allowed, as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Armed Reserve, Ramanathapuram.

3.The Deputy Superintendent of Police,
District Crime Record Bureau,
Ramanathapuram.

+1cc to Mr.R.Venkatesan,Advocate SR.No.9351

ORDER MADE IN
W.P. (MD) No.2725 of 2015
DATED - 27.02.2015

NB

PA/05.03.2015/2P/5C (IT)