



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.1038 of 2017

and

W.M.P(MD) Nos.869 and 870 of 2016

S.Baskaran

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary to Home Department,
Fort St.George, Chennai- 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the impugned show cause notice issued by the first respondent in Letter No.41495/Pol-VIII/2016-3, dated 2.12.2016 and to quash the same.

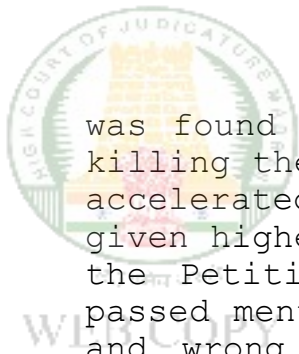
For Petitioner : M/s.A.Rajaram
For Respondents : Mr.A.K.Baskarapandian
Special Govt.Pleader

ORDER

This Writ Petition has been filed, seeking for issuance of a writ of Certiorari calling for the records pertaining to the impugned show cause notice issued by the first respondent in Letter No.41495/Police-VIII/2016-3, dated 2.12.2016 and to quash the same.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner is one of the police officers, who was deputed in the Special Task Force formed by the Government in order to apprehend the notorious forest brigand Veerappan. Ultimately, it



was found that he was also one of the officers responsible for the killing the Forest Brigand Veerappan and he was promoted by giving accelerated promotion. While granting accelerated promotion, he was given higher post inspite of the post in which the Government want the Petitioner to be posted. Thereafter, a reversion order was passed mentioning in detail the reasons for accelerated promotion and wrong fixation of the Petitioner in the promoted post. The Petitioner has approached this Court by filing a Writ Petition in W.P.No.25067 of 2009 and this Court has passed the following order:

'2. Aggrieved by this, you have filed W.P.No.25067 of 2009 before the High Court of Madras. The Honourable High Court of Madras in its order dated 14.3.2016 has directed as follows:

'Therefore, without expressing any opinion on merits, only on the limited scope that no notice was served on the Petitioners before passing the order of reversion, the impugned order is set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent is directed to consider the case of the Petitioners, after issuing notice to all the parties concerned and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order'.

4. According to the Petitioner, once the impugned order has been set aside, the respondents have no business to once-again issue a show-cause notice asking the petitioner to call for an explanation. A cursory glance at the impugned order would make it very clear that the High Court has remitted the matter to the authorities concerned and issue fresh notice to the Petitioner and pass appropriate orders on merits as the earlier order was passed without giving an opportunity to the Petitioner.

5. The contention of the Petitioner that once the High Court has set aside the order, the respondents have no authority to issue a fresh notice cannot be accepted. When the Government after examining the discrepancy with regard to the accelerated promotion crept in in order to rectify the order, is bound to give an opportunity to the Petitioner before setting it right. Hence I find no error in the impugned order asking the petitioner to submit an explanation through proper channel within 15 days from the date of receipt of a copy of the order.

6. It is stated by the learned counsel for the respondents that the Petitioner has already sent explanation. It is open to the respondents to pass appropriate orders on the explanation of the Petitioner within a period of one month from the date of receipt of a copy of this order, preferably on or before 15.03.2017.



7. With the above observation, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1 .The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St.George, Chennai- 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

+ 1 CC TO Mr.A.RAJARAM, ADVOCATE IN SR No. 3604
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 3764

VSN

TE/SV-MMS : 03/02/2017 : 3P/5C

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