

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.No.1000 of 2013
and MP.No.1 of 2013

- 1.The Deputy Inspector General of Police
CID, Intelligence
Chennai-600 004
 - 2.The Superintendent of Police
District Police Office
Trichy-620 001
 - 3.The Personal Assistant to Superintendent
of Police
District Police Office
Trichirappalli-620 001
- ...Appellants
- Vs-
- T.Santhanalakshmi ..Respondent.

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent against the order dated 20.10.2011 made in W.P.No.2212 of 2007.

For Appellants : Mrs.A.SriJayanthi
Special Government Pleader

For Respondent : No appearance

J U D G M E N T

(Judgment of the Court was made by **K.K.SASIDHARAN,J.**)

The learned Single Judge allowed the Writ Petition filed by the respondent solely on the ground that enquiry report was not furnished to the respondent before proceeding further to impose the punishment. Feeling aggrieved by the said order, the appellants are before this court.

2. We have heard the learned Special Government pleader appearing for the appellants. None appears on behalf of the respondent inspite of her name printed in the cause list.

3. The appellants initiated disciplinary proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the respondent. The Enquiry Officer appointed by the Police Department conducted enquiry and thereafter, a report was submitted to the Disciplinary Authority. The Disciplinary Authority had considered the report and after issuing second show cause notice, imposed the punishment on the respondent. The order imposing the punishment and the confirmation of the same by the Appellate

Authority were challenged before the Tamil Nadu Administrative Tribunal. The Original Application was subsequently transferred to this court, consequent to the abolition of the Tribunal.

4. The learned Single Judge allowed the Writ Petition primarily on the ground that before imposing punishment, copy of the enquiry report has not been furnished to the respondent. No other contentions were raised before the learned Single Judge. In short, it was only on the ground that copy of the enquiry report was not furnished to the respondent, the punishment imposed by the Disciplinary Authority, was set aside.

5. We are of the view that the order passed by the learned Single Judge in quashing the entire disciplinary proceedings solely on the ground that enquiry report was not furnished to the respondent, deserves to be set aside. The proper course is to direct the appellants to furnish a copy of the enquiry report to the respondent and to proceed further. Such a course should have been adopted by the learned Single Judge. We therefore, set aside the order dated 20.10.2011.

6. There shall be a direction to the appellants to furnish a copy of the enquiry report to the respondent. The respondent should be given a reasonable opportunity to submit her explanation. Thereafter, it is open to the appellants to pass appropriate orders on merits. The said exercise shall be completed within a period of four months from the date of receipt of a copy of the Judgment.

7. The intra court appeal is disposed of as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

(K.K.SASIDHARAN,J.)

(P.T.ASHA.,J.)

04 July 2019

nvsri

To

1.The Deputy Inspector General of Police
CID, Intelligence
Chennai-600 004

2.The Superintendent of Police
District Police Office
Trichy-620 001

3.The Personal Assistant to Superintendent
of Police
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K.K.SASIDHARAN,J.
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