



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.408 of 2014

and

M.P.(MD) No.1 of 2014

M.Selvan

...Petitioner

Vs.

1.The Deputy Inspector General of Police,
Madurai Range,
Madurai District.

2.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings in P.R.No.79 of 2012 dated 01.03.2013 and consequential rejection order passed by the first respondent in his proceedings No.A4/4196/AP/2013 dated 07.06.2013 and quash the same as illegal and consequently to direct the second respondent to promote the petitioner as Special Sub-Inspector of Police (SSI) with effect from 01.06.2013.

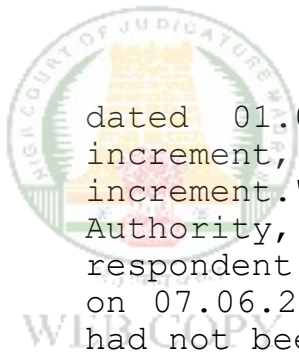
For Petitioner : Mr.C.Venkateshkumar

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

The order of punishment passed by the second respondent in P.R.No.79 of 2012 dated 01.03.2013 as well as the Appellate order passed by the first respondent in proceedings No.A4/4196/AP/2013 dated 07.06.2013 are under challenge in the present writ petition.

2.The charge memo was issued to the writ petitioner with an allegations that he remained unauthorisedly absent for more than 21 days. The domestic enquiry was conducted and based on the findings of the Enquiry Officer, the punishment was imposed in proceedings



dated 01.03.2013, imposing "the punishment of postponement of increment, which shall operate the postponement of future increment." Against the said punishment issued by the Disciplinary Authority, the writ petitioner preferred an appeal to the first respondent on 05.04.2013. The Appellate Authority passed an order on 07.06.2013. However, the grounds raised by the writ petitioner had not been adjudicated in the Appellate order.

3.The learned counsel appearing on behalf of the petitioner made a submission that not even a single reason has been stated in the impugned Appellate Authority's order and the grounds raised in the Appeal are not considered by the first respondent.

4. This Court is of the considered opinion that it is not necessary, all irrelevant factors are to be considered to the Appellate Authority. But an Appellate Authority is bound to furnish the some reasons for arriving a conclusion. Every order passed by the Competent Authorities must contain reasons for arriving such a conclusion. But in the impugned Appellate order, there is no such reason has been given. The impugned Appellate order states that relying on the findings of the Superintendent of Police, Virudhunagar, awarded punishment and further stated that connected records have been examined in detail. If such examinations were done, some reasons must be recorded in the Appellate order. Merely stating that the records were examined is insufficient, in view of the fact that an Appellate remedy is an important one for the aggrieved employees. Thus, such non-speaking orders cannot be sustained. In view of the fact that the Appellate order passed by the first respondent is non speaking, the matter is to be remanded back to the first respondent.

5. Accordingly, the Impugned Appellate order passed by the first respondent in proceedings No.A4/4196/AP/2013 dated 07.06.2013 is quashed and the matter is remanded back to the first respondent for reconsideration and passing final orders with reasons, at the earliest possible.

6. With these directions, the writ petition stands allowed in part. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Deputy Inspector General of Police,
Madurai Range,
Madurai District.

2.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

W.P.(MD) No.408 of 2014

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BK (CO)

NR (22/10/2020) 3P : 3C