



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.1104 of 2020
and WMP.No.1321 of 2021
(Through Video Conferencing)

S.Daniel Fernando
Son of T.Swaminathan
Grade-I PC 36565
Office of The Deputy Commissioner of Police,
Modern Control Room
Greater Chennai Police
Chennai - 7.

...Petitioner

Vs

1. The Director General of Police,
Chennai - 600 004.
2. The Commissioner,
Commissioner of Police,
Greater Chennai Police,
Chennai - 7.
3. The Deputy Commissioner of Police,
Modern Control Room
Greater Chennai Police
Chennai - 7.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the 3rd respondent passed order in impugned order in PR.No.94/GCP/2013/ (C.No.70/44920/PR IV (2)/2013) dated 17.04.2019 and conform by the 2nd respondent in proceeding No.PR No.94/IV(2)/2013 dated 15.12.2019 and quash the same and consequently direct the 3rd respondent to include the name of the petitioner in the panel drawn for promotion to the post of Head Constable and all consequential benefits.

For Petitioner : Mr.P.Ganesan
For Respondents : Mr. L.S.M. Hasan Fizal,
Government Advocate



O R D E R

The petitioner was working on other duty as a Driver attached to the Office of the Public Prosecutor, Madras High Court. It appears, without getting prior permission from the office of the 3rd respondent, he got himself admitted in the hospital for a period between 24.04.2013 to 08.05.2013 for about 15 days.

2. Under these circumstances, the petitioner was placed under suspension and thereafter a punishment order was passed by the third respondent herein.

3. Aggrieved by the same, the petitioner preferred the appeal. Meanwhile, the 2nd respondent issued the show cause notice dated 08.08.2019 to show cause as to why the punishment imposed by the 3rd respondent postponing next increment for a period of two years should not be enhanced under Rule 15(A) (1) of TNPSS (D & A) Rules 1955. The 2nd respondent has now passed the order by upholding the order of the 3rd respondent without considering the appeal filed by the petitioner.

4. As the orders have been passed without considering grounds of the appeal of the petitioner, the impugned order passed by the 2nd respondent is quashed and the case is remitted back to the 2nd respondent to pass a fresh appropriate order on merit after considering the grounds of appeal of the petitioner. This exercise may be carried out within a period of 8 weeks from the date of receipt of this order.

5. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

drl

To

1. The Director General of Police,
Chennai - 600 004.

2. The Commissioner,
Commissioner of Police,
Greater Chennai Police,
Chennai - 7.



3.The Deputy Commissioner of Police,
Modern Control Room
Greater Chennai Police
Chennai - 7.

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+1 CC to Mr.P.Ganesan, Advocate sr 48163.
+1 CC to The Government Pleader sr 49036.

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and WMP.No.1321 of 2020

JPII (CO)
SP(28/10/2021)