



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ
WP NO.891 OF 2006
(OA NO.5094 OF 2000)

WEB COPY

Paul Pandian

... Petitioner

Vs.

1.Deputy Commissioner of Police
Armed Reserve
Chennai.

2.Additional Director and Commissioner of Police
Chennai - 600 008.

3.Director General of Police
Chennai - 600 004.
(R2 and R3 impleaded vide order dated
10.03.2021 in WMP No.6820/2021 in
WP No.891/2006)

... Respondents

PRAYER: This writ petition came to be numbered under Article 226 of the Constitution of India by way of transfer of Original Application in O.A.No.5094 of 2000 from the file of Tamil Nadu Administrative Tribunal, Chennai, with a prayer to call for the record relating to the orders 01.No.Na.Ka.No.Thabi 1(3)/May Mu 32 / 2000 dated 21.08.2000 passed by the Additional Police Director / Police Commissioner and confirm RC No.59279/AP.I(1)/2002 dated 04.10.2002 passed by the Director General of Police and quash the same and consequently reinstate the petitioner in the continuity of service along with backwages, attendant monetary benefits with eligible increments in the scale of pay of the salary for which are petitioner entitled in the above writ petition by issuance of writ of certiorarified mandamus.

(Prayer amended vide order dated 10.03.2021 made in WMP No.6823/2021 in WP No.891/2006)

For Petitioner : Mr.Jagadeesan
for Mr.N.Jothi

For Respondents: Mr.C.Selvaraj
Government Advocate (Civil Side)



O R D E R

The petitioner while working as a Police Constable under the respondents said to have involved in a criminal incident and a First Information Report (FIR) was registered against him. On the basis of the First Information Report, a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 was issued to him on 04.11.1998. An Enquiry Officer was appointed and the petitioner participated in the enquiry and ultimately, the charges were held proved. Thereafter, on the basis of the enquiry report, the Disciplinary Authority, imposed the punishment of removal from service in P.R.No.242/PR.2(1)/98 dated 20.02.2000 and the same was served on the petitioner on 21.02.2000. Against which, he preferred an appeal. The Appellate Authority in his proceedings in Na.Ka.No.Thabi.1(3)/May Mu 32/2000 dated 21.08.2000 rejected the appeal on the grounds of delay. Against which, the petitioner preferred a review petition before the first respondent. However, the punishment order was confirmed by the first respondent in his proceedings in Rc.No.59279/AP.I(1)/2002 dated 04.10.2002. Against which, the petitioner has preferred this writ petition.

2.Heard the submissions made on either side.

3.From the materials produced before this Court, it could be seen that even though more than eight witnesses were examined during the enquiry and documents were marked, the Disciplinary Authority has not discussed the charge as well as the evidence given in support of the charges nor recorded reasons for accepting the findings of the Enquiry Officer. In fact, more than five witnesses were turned hostile and there was cross examination against the official witnesses. There are several issues need to be answered for the purpose of proving the charges. But the Enquiry Authority has abruptly held the charges as proved, without discussing the evidence, and the Disciplinary Authority also, in the very same manner, has passed a cryptic order, without considering the explanation to charges submitted by the petitioner, objections raised by the petitioner, against the enquiry report and the findings of the Enquiry Officer.

4.Such a cryptic order is opposed to the principles of natural justice. The petitioner has been deprived of the reasons on which the charges were held proved and accepted by the disciplinary authority and the grounds on which, the punishment was imposed. In turn, he was deprived of effectively raising the grounds for preferring the appeal. Likewise, the Revisional Authority also has passed a cryptic order extracting only the nature of misconduct charges framed and gravity of charges. He also failed to consider the grounds raised by the petitioner,



against the order passed by the Disciplinary Authority as well as the Appellate Authority. Therefore, I am inclined to set aside the order of punishment.

5. Accordingly, the impugned order vide proceedings in Rc.No.59279/AP.I(1)/2002 dated 04.10.2002 passed by the Director General of Police, Chennai is set aside and the matter is remitted back to the respondents for passing a reasoned order, within a period of two months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

TK

To

1. Deputy Commissioner of Police
Armed Reserve
Chennai.

2. Additional Director and Commissioner of Police
Chennai - 600 008.

3. Director General of Police
Chennai - 600 004.

+1 cc to Government Pleader Sr.No. 33938

WP NO.891 OF 2006
(OA NO.5094 OF 2000)

GSM(CO)
B.VC(20.07.2021)