



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18018 of 2019

A.Aruljothi

... Petitioner

Vs

1. The Director General of Police,
Dr. Radhakrishnan Road,
Mylapore, Chennai - 4.
2. The Deputy Inspector General of Police,
Vellore Range, Vellore District.
3. The Superintendent of Police,
Tiruvannamalai 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 of the respondents in connection with the impugned orders issued by the respondents 1-3 in Rc.No.84237/AP.2(2)/2016 dated 23.07.2016, C.No.B1/AP.16/004523/2016 dated 22.04.2016 and Maa.Aa.No.184/2016, Na.Ka.No.H.2/Tha.pa.43/2015 dated 15.03.2016 respectively and quash the same and further direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

For Petitioner : Mr.R.Dinesh Kumar

For Respondent : Mr.K.V.Sajeev Kumar
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Under Rule 6 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, the appellate authority, while dealing with an appeal petition, is required to consider



as to whether, the facts on which the punishment order was passed, has been properly established and if established, whether sufficient grounds for taking action has been made.

3. In the instant case, the petitioner was originally dealt with for two charges, for which, the Enquiry Officer had held both the charges to be proved. The disciplinary authority had imposed the punishment of removal from service, through his order dated 15.03.2016. As against the same, the petitioner herein had preferred an appeal before the second respondent herein and by order dated 22.04.2016, the second respondent had rejected the plea, by observing as follows:-

4) I have carefully gone through the appeal petition, the PR file along with the connected records. The appellant has not put forth any new point's worth for consideration in his appeal. All the contentions of the appellant were taken into account by the disciplinary authority before awarding the punishment. His explanation deserves no consideration. The punishment awarded by the disciplinary authority is also not excessive to this proven delinquency. Hence, I decline to interfere and reject the appeal.

4. The aforesaid order is clearly a non-speaking order, wherein there is nothing to indicate that the second respondent herein had adhered to the procedure contemplated under Rule 6 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules. The appeal does not state as to whether, the facts on which the punishment order has been established nor does it establish that sufficient grounds have been made for taking action. As such, the order itself, since being in violation of the rules, cannot be sustained. It is also seen that as against the order of the appellate authority, the petitioner had filed a revision before the first respondent herein, which was also dismissed on 23.07.2016.

5. In the light of the above observations, the impugned order of the second respondent herein dated 22.04.2016 is quashed the matter is remitted back to the second respondent for fresh consideration. The second respondent shall endeavor to reconsider the petitioner's appeal petition dated 30.03.2016, in the light of the observations made by this Court, in accordance with the procedure contemplated under the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 and pass a reasoned speaking order, atleast within a period of 3 (three) months from the date of receipt of a copy of this order.



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6. Accordingly, the writ petition stands partially allowed.
No costs.

Sd/-
Assistant Registrar(CO-VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Director General of Police,
Dr. Radhakrishnan Road,
Mylapore, Chennai - 4.
2. The Deputy Inspector General of Police,
Vellore Range, Vellore District.
3. The Superintendent of Police,
Tiruvannamalai District.

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PCH(CO)
CT(10/08/2021)