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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

W.A. No. 2324 of 2021
&
C.M.P. No. 14728 of 2021

1. The Director General of Police,
Chennai -4.
 2. The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.
 3. The Superintendent of Police,
Thoothkudi District,
Thoothukudi.
- ..Appellants/Respondents

Vs.

Muthukrishnan ..Respondent/Petitioner

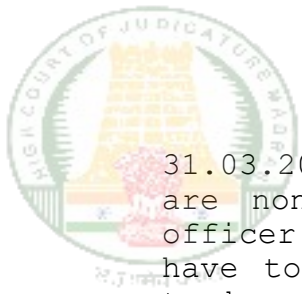
Prayer: Writ Appeal as against the order dated 22.01.2020 passed .

Prayer in W.P. No. 15107 of 2009:

Writ Petition filed under Act 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in P.R. 95/08 dated 12.02.2009 on the file of the 3rd respondent the proceedings of the 2nd respondent in C.No. C4/AP.46/2009 dated 31.03.2009 and the proceedings of the 1st respondent in RC.No. 82982/AP.2(1)/09 dated 12.06.2009 and quash the same and direct the respondents to grant him further promotions with all consequential benefits.

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

For Respondent :: Mr.M.S. Soundarajan



31.03.2009 respectively would make it very clear that the orders are non-speaking orders. Though the finding of the Enquiry officer has been forwarded to the delinquent employee, comments have to be called for and thereafter, a detailed order has got to be passed by the Disciplinary Authority. Depending upon the Rules in force, it is open to the Appellate Authority either to pass a detailed order or confirm the order of the Disciplinary Authority. In the present case on hand, the learned Single Judge held that the orders passed by all the appellants are non-speaking orders and instead of remanding the matter to the Disciplinary Authority for fresh consideration, had allowed the writ petition. Hence, we are inclined to interfere and modify the order of the learned Single Judge.

6. Accordingly, the matter is remitted back to the Disciplinary Authority to consider it afresh in the light of the observation made supra and pass a detailed order, if he/she is so advised. Whether pendency of disciplinary proceedings is a bar for promotion or not, need to be considered by the authority in terms of Rules applicable to Police Force and thereafter, a decision shall also be taken. The punishment order which has been set aside by this Court cannot be quoted as a reason for depriving any other benefits that may be available to the 1st respondent/writ petitioner based on service Rules. The Disciplinary Authority shall afford an opportunity of hearing to the 1st respondent/writ petitioner before passing any orders. The Disciplinary Authority is expected to take a decision within two months if he/she has decided to probe into the issue again.

7. The writ appeal is disposed of with the above observation. No costs. Connected C.M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nv

To

1.The Director General of Police,
Chennai -4.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.



3.The Superintendent of Police,
Thoothkudi District,
Thoothukudi.

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+1cc to Mr.M.S.Soundararajan, Advocate Sr No.46335
+1cc to the Government Pleader Sr No.47200

W.A. No. 2324 of 2021

BS (CO)
PR (11/10/2021)