

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3831 of 2014

S.Loganathan

...Petitioner

Vs

1.The Superintendent of Central Prison,
Coimbatore.

2.The Deputy Inspector General of Prisons,
Prison Department,
Coimbatore Range,
Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondents in connection with the impugned order passed by the first respondent in Ref.No.12790/KC3/2011 dated 02.02.2012 and by the second respondent in Ref.No.2598/Mu.Ou/2013 dated 03.08.2013 and quash the same.

For Petitioner : Mr.K.Venkataramani, SC
Mr.M.Muthappan

For Respondents: Mr.S.Thangavel, SGP

O R D E R

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

2. The petitioner herein challenges the punishment imposed by the first respondent on 02.02.2012 postponing his next increment for a period of one year without cumulative effect. As against the order of punishment of the first respondent, the petitioner herein had preferred an appeal before the second respondent and the punishment was confirmed on 03.08.2013. The short ground on which the impugned order of punishment passed by the appellate authority requires interference is that the order is deemed to be a non-speaking order.

3. Rule 23 of the Tamil Nadu Civil Services (Discipline & Appeal) Rules requires the appellate authority to consider as to whether the facts on which the order of punishment was passed has been established or not; whether the facts

established afford sufficient ground for taking action; and whether the penalty is excessive, adequate or inadequate.

4. In the instant case, the appellate authority has merely confirmed the order of punishment in a single line without addressing the facts on which the order of punishment was based on and whether such facts have established sufficient grounds for taking action. This mode of disposing of the appeal is in violation of the procedure contemplated under Rule 23 of the Central Rules. However, if the appellate authority is directed to reconsider the appeal afresh within a stipulated time, the ends of justice could be secured.

5. In the light of the above observations, the impugned order of the second respondent, dated 03.08.2013 is quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent, while reconsidering the petitioner's appeal, shall strictly adhere to the procedure contemplated under Rule 23 of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and take a final decision, after giving due opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

1.The Superintendent of Central Prison,
Coimbatore.

2.The Deputy Inspector General of Prisons,
Prison Department,
Coimbatore Range, Coimbatore.

+lcc to Mr.M.Muthappan, Advocate, S.R.No.25366

+lcc to the Government Pleader, S.R.No. 25303

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PP (CO)

GN(08/07/2021)