



WEB COPY



W.P. No. 11046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 11046 of 2023

and

W.M.P. No. 10928 of 2023

R. Ulaganathan

... Petitioner

-VS-

1. The Director General of Police,
Tamil Nadu State Government,
Kamarajar Salai,
Chennai – 600 004.

2. The Commissioner of Police,
No.132, E.V.K. Sambath Road,
Vepery, Periampet,
Chennai – 600 007.

3. The Deputy Commissioner of Police,
Flower Bazar,
Chennai – 600 001.

4. The Principal Secretary to Government of Tamil Nadu,
Home Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records pertaining to the PR. No. 133/PR IV(1)/2014, U/R 3(b) of TNPSS (D&A) Rules 1955, dated 03.06.2015 passed by the Third Respondent, and the same confirmed by the



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Second Respondent bearing Rc.No. PR. V.(1)/CPO/214/79487/2017 dated 17.10.2017, and the same confirmed by the First Respondent bearing RC No. 17157 / AP.3(2)/2018 dated 20.03.2019 and to quash the same.

For Petitioner : Mr. M.Madhuprakash
For Respondents : Mrs. R.Anitha,
Special Government Pleader

ORDER

Heard Mr. M.Madhuprakash, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is working as Driver in the office of the Third Respondent, has been issued with show cause notice dated 17.06.2014 calling upon him to submit his explanation in respect of the alleged offences that he was unauthorizedly absent from 3.00 p.m. on 23.05.2014 and that he met the Third Respondent in the Secretariat at 4.00 p.m. in drunken state during working hours within a period of 15 days from the date of its receipt. The Petitioner claims to have sent a reply dated 17.07.2014 to the Third Respondent



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denying the alleged offences. However, the Third Respondent, who has been appointed as the Enquiry Officer, by Proceedings in Na. Ka. No: 495/20242/PR.N(1)/2014 dated 19.11.2014 required the Petitioner to submit his explanation for the Enquiry Report. Thereafter, the Third Respondent by Proceedings in Rc. No: 495/20242/PR N(1)/2014 dated 03.06.2015 awarded the punishment of 'postponement of increment one stage for one year with cumulative effect' on the Petitioner under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955. The Petitioner had preferred an appeal dated 03.08.2015 before the Joint Commissioner of Police, North Zone, Egmore and sent a reminder dated 03.07.2016 in that regard referring to Proceedings in F.S.D.Ref.-TOX.D.11/2014 dated 29.05.2014 from the Forensic Sciences Department stating that the blood sample of the Petitioner did not contain Ethyl Alcohol. The Second Respondent by Proceedings in PR No. 33/ PR.N(4)/2014 dated 17.10.2017 rejected the said appeal as time barred. The First Respondent by Proceedings in Rc. No. 17157/AP.3(2)/2018 dated 20.03.2019 rejected the Review Petition dated 18.01.2018 filed by the Petitioner against the orders passed by the Second and Third Respondent, by stating that no fresh material had been brought for consideration and declined to interfere with the punishment. The said orders are challenged in this Writ Petition.



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3. Though the Writ Petition has been filed challenging impugned orders passed by the Respondents, it is represented by the learned counsel for the petitioner that the Petitioner would be satisfied if the representation dated 22.04.2019 made by him to the Principal Secretary to Government of Tamil Nadu, Home Department is directed to be disposed by him and he has filed a memo dated 11.04.2023 to that effect, which is placed on record. In such circumstances, the Principal Secretary to Government of Tamil Nadu, Home Department, Secretariat, Fort St. George, Chennai – 600 009 is *suo motu* impleaded as the Fourth Respondent in this Writ Petition.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the Fourth Respondent shall immediately examine the representation dated 22.04.2019 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;



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(iii) in the event of not being satisfied with the requirements even thereafter,

an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 30.09.2023 under written acknowledgment; and

(v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.04.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 21.08.2023.



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To

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Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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