



WEB COPY



W.P.No3898 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No3898 of 2015

M.Pandian

... Petitioner

Vs.

1. The Additional Director General of Police,
(Law and Order), Tamil Nadu,
Chennai-600 004.

2. The Deputy Inspector General of Police,
Trichy Range,
(i/c) Thanjavur Range, Thanjavur.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari Mandamus to call for the records pertaining to the order of the second respondent herein passed in his Na.Ka.No.B1/Sa.Aa/44/13 Range Order No.421/13 dated 02.12.2013 imposing a punishment of reduction in rank from Special Sub Inspector of Police to the cadre of Head Constable for a period of two years and the consequential order passed by the first respondent herein in his Rc.No.226908/A.P.I(1)/2013 dated 15.12.2014 confirming the punishment and quash the same and consequently direct the respondents herein to re-promote the petitioner as Special Sub Inspector of Police with all consequential service and monetary benefits.

For Petitioner : M/s.Ravi Shanmugam
for M/s.Sudha Ravi

For Respondents : M/s. C.Sangamithirai
Special Government Pleader



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ORDER

This Writ Petition is filed questioning the orders passed by the second respondent in Na.Ka.No.B1/Sa.Aa/44/13 Range Order No.421/13 dated 02/12/2013 imposing a punishment of reduction in rank from Special Sub Inspector of Police to the cadre of Head Constable for a period of two years and consequential order passed by the 1st respondent in Rc.No.226908/AP/I(1)/2013 dated 15.12.2014.

2. Heard both sides and perused the materials placed on record

3. During Course of submissions, the learned counsel for the petitioner has submitted that the petitioner has though preferred statutory Appeal the Appellate authority has not passed any speaking orders while rejecting the Appeal. The orders dated 15.12.2014 of the Appellate Authority would go to show that basing on the depositions of the witness and prosecution documents, the guilt against the petitioner was proved, thereby Appeal is rejected. Expect said observation, no speaking orders have been passed by the Appellate authority.



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4. The Appellate authority is expected to go through the entire record of the Enquiry and ought to have passed a reasoned speaking order as to why the orders passed by the Enquiry Officer are sustainable. On going through the impugned order, this Court is of the opinion that the impugned order passed by the Appellate authority are without any reasons, therefore order required to be set aside.

5. In the result, the order passed by the Appellate authority is hereby set aside, by directing the respondents to consider the Appeal filed by the petitioner afresh and dispose of the same on merits by way of reasoned speaking orders as expeditiously as possible by giving notice to all the parties concerned. Both the parties are permitted to file documents if any and submit their argument.

6. With the above directions, this Writ Petition is disposed of. No costs.

12.11.2023

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Index:Yes/No
Speaking Order: Yes/No



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Dr.D. NAGARJUN, J.

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To

1. The Director,
Department of Agricultural
Marketing and Agri Business,
Guindy, Chennai.600 032.
2. The Secretary,
Kancheepuram Market Committee,
Kancheepuram 6310501.

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