



W.P.No.15482 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.15482 of 2014

N.Prabakaran

... Petitioner

-Vs-

1. The Principal Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

3. The Additional Commissioner of Police,
Greater Chennai Police, Egmore,
Chennai – 600 008.

4. The Deputy Commissioner of Police, (Armed Reserve),
Egmore, Chennai – 600 008.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to Order in P.R.No.90/3(1)/2006 dated 25.04.2007 passed by the 4th respondent, Order on punishment roll bearing No.90/3(1)/2006 under Rule 3(b) dated 30.04.2007, passed by the 4th respondent, Order in PR File No.90/3(1)/2007dated 04.03.2008 passed by the 3rd respondent, Order in Rc.No.76249/AP.3(3)/2008, dated



W.P.No.15482 of 2014

21.07.2008 and Order in Rc.No.62328/AP.3(3)/2009 dated 05.05.2010 passed by the 2nd respondent and G.O.(2D). No.404, Home (Police – V) Department, dated 02.08.2013 passed by the 1st respondent and quash the same and direct the respondents to reinstate the petitioner into service as Police Constable with arrears of pay and all other consequential benefits including seniority and promotion.

For Petitioner : Ms.Y.Kavitha
For Respondents : Mr.M.Rajendran
Additional Government Pleader

ORDER

The petitioner seeks for Writ of Certiorarified Mandamus to call for the records pertaining to Order in P.R.No.90/3(1)/2006 dated 25.04.2007 passed by the 4th respondent, Order on punishment roll bearing No.90/3(1)/2006 under Rule 3(b) dated 30.04.2007, passed by the 4th respondent, Order in PR File No.90/3(1)/2007 dated 04.03.2008 passed by the 3rd respondent, Order in Rc.No.76249/AP.3(3)/2008, dated 21.07.2008 and Order in Rc.No.62328/AP.3(3)/2009 dated 05.05.2010 passed by the 2nd respondent and G.O.(2D). No.404, Home (Police – V) Department, dated 02.08.2013 passed by the 1st respondent and quash the same and direct the respondents to reinstate the petitioner into service as Police Constable with arrears of pay and all other consequential benefits including seniority and promotion.



W.P.No.15482 of 2014

WEB COPY

2. The petitioner was working as a Police Constable from the year 1997.

3. The petitioner and his wife were residing in the police quarters, Egmore. On 13.12.2005, the petitioner was on leave. The petitioner's wife had gone to temple, therefore, the petitioner was alone at home. There was a wordy quarrel between the petitioner and his neighbour one S.Sadasivam. Immediately, the latter called the Police Control room regarding the wordy quarrel. The police control room also dispatched a Sub-Inspector of Police accompanied by a head constable, who were in patrol duty to find out the cause of incident.

4. The petitioner would state that they came to the premises and forcibly took him to F-2 Police Station, Egmore. It is pertinent to note that no FIR had been registered against the petitioner at the instance of Sadasivam or at the instance of the Head Constable Mr.Sairam with respect to the incident that had taken place.

5. The petitioner was served with a charge memo on 11.01.2006 in P.R.No.90/3(1)/2006. This was issued under Rule 3(b) of the Tamil Nadu



W.P.No.15482 of 2014

Police Subordinate Service (Discipline and Appeal) Rules, 1955.

WEB COPY

6.The petitioner submitted his reply to the charge memo on 20.03.2006 denying all the charges. An enquiry was conducted pursuant to the charge memo and a report was submitted on 27.10.2006. On the basis of the enquiry report and further explanation that was received from the petitioner, an order was passed on 25.04.2009. The laconic order that was passed is extracted hereunder:

“5. I agree with the findings of the Enquiry Officer and I award him the punishment of Removal from service from the date of receipt of this order.”

7. Aggrieved by the order of removal from service, an appeal was filed to the Additional Commissioner of Police, Chennai on 26.11.2007. The said appeal was rejected on 04.03.2008. The order in appeal is as bereft with reasoning as the impugned order.

8. The petitioner filed a memorial under Section 15(A)(1) Sub-Clause (2) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. The said memorial was also rejected on



W.P.No.15482 of 2014

21.07.2008. A further memorial petition was made to the Director General of Police and that was also rejected on 05.05.2010.

9. Being left with no other option, the petitioner filed petition before the State of Tamil Nadu on 07.06.2010. The said petition before the Government was also rejected on 02.08.2013.

10. In the light of the order that I am going to pass I am not going into the merits of the case.

11. The order of the Original, Appellate, Revisional as well as the State of Government are bereft of any details or reasons. An order of removal of service, which is literally putting an end to the livelihood of the petitioner, could not have been passed in such a casual and cavalier manner accepting the enquiry report. The order of dismissal does not comply with the requirements of reasoned order. See, ***(2012) 8 SCC 148 - Union of India Vs. Ibrahim Uddin (para 33), (2010) 3 SCC 732 - Victoria Memorial Hall Vs. Howrah Ganatantrik Nagrik Samity (para 32), (2009) 3 SCC 258 - Ram Phal Vs. State of Haryana (para &)***. It is settled position of law, unless and until the order is reasoned, it does not



W.P.No.15482 of 2014

answer Article 14 of the Constitution of India.

WEB COPY

12.I am not able to find reasons in any of the proceedings. On this short ground, the orders are set aside and the matter is remitted to the fourth respondent Deputy Commissioner of Police (Armed Reserve), Egmore, Chennai, who shall redo the exercise and pass a reasoned order within a period of eight (8) weeks from the date of receipt of a copy of this order.

13. I am not entering into the merits of the case. I am setting aside the orders on the ground that absolutely no reasons have been furnished by any of the authorities, who have dealt with the case.

With the above directions, this writ petition is allowed. No costs.

02.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

Note : Order copy to be uploaded on 03.06.2023

Issue copy on Monday - 05.06.2023.



WEB COPY



W.P.No.15482 of 2014

To

1. The Principal Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. The Additional Commissioner of Police,
Greater Chennai Police, Egmore,
Chennai – 600 008.
4. The Deputy Commissioner of Police, (Armed Reserve),
Egmore, Chennai – 600 008.



WEB COPY



W.P.No.15482 of 2014

V.LAKSHMINARAYANAN, J.
mp

Writ Petition No.15482 of 2014

02.06.2023