



W.P.(MD).No.22177 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22177 of 2021
and
W.M.P(MD) No.18744 of 2021

S.Muthu Manikandan

... Petitioner

Vs.

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 600 004.

2. The Deputy Inspector General of Police,
Trichy.

3. The Superintendent of Police,
Trichy District,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned rejection order in Na.Ka.No.P11498/2019, dated 30.10.2019 passed by the second respondent, quash the same as illegal and consequently direct the respondent to reinstate the petitioner in his service with all service benefits from the date of his suspension dated



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For Petitioner : Mr.B.Prasanna Vinoth
For Respondents : Mr.T.Villavankothai
Additional Government Pleader

ORDER

The present writ petition has been filed by the petitioner who is a Member of Tamil Nadu Special Police Youth Brigade. He involved in a criminal case in Crime No.82 of 2016. Based upon the involvement of the criminal case, he was under suspended by the third respondent herein by his order, dated 16.01.2016.

2. The third respondent has issued a show cause notice to him as contemplated Rule 8 (1) (2) of Tamil Nadu Special Police Youth Brigade Rule 2013. The petitioner has submitted an explanation on 22.02.2016. Not been satisfied with the explanation, the petitioner was terminated on 27.09.2016.

3. The petitioner was acquitted by the criminal Court on 27.07.2017. Thereafter, the petitioner has filed an appeal before the second respondent



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herein. Since the said appeal was not expeditiously disposed of, the petitioner filed W.P(MD) No.32390 of 2018 seeking a mandamus for expeditious disposal of the said appeal. This Court, by an order, dated 07.12.2018 had directed the authority to consider the said appeal in the light of the acquittal order passed by the criminal Court.

4. In compliance of the said order, the second respondent herein has considered the appeal filed by the writ petitioner and has chosen to dismiss the appeal on the ground that the acquittal is not a honourable acquittal. Challenging the said order, the present writ petition has been filed.

5. According to the learned counsel appearing for the writ petitioner, for terminating the member of Tamil Nadu Special Police Youth Brigade, the grounds as contemplated under Rule 8 of Tamil Nadu Special Police Youth Brigade has to be satisfied. Neither the original authority nor the appellate authority have mentioned anything about the satisfaction with regard to the grounds as mentioned under the said Rule 8 of Tamil Nadu Special Police Youth Brigade. Therefore, he seeks to set aside the order passed by both the authorities.



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6. Per contra, the learned Additional Government Pleader appearing for the respondents herein had contended that as per Rule 8 Tamil Nadu Special Police Youth Brigade, a show cause notice has been issued to the writ petitioner and after considering the explanation, the order of termination has been passed. Even *de hors* of the acquittal by the criminal Court, the Department is entitled to confirm the order of termination issued to the writ petitioner herein.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.

8. Rule 8 of Tamil Nadu Special Police Youth Brigade Rules, 2013, is hereby extracted:

8. Disciplinary action. - (1) Any member of the Youth Brigade shall be subjected to disciplinary action by the authorized officer. The authorized officer shall for good and sufficient reasons suspend a member of the Youth Brigade, if he neglects or refuses to discharge his duty without reasonable



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cause or commits any breach of discipline or is found guilty of misconduct or is physically unfit to continue or whose continuance is detrimental to the good order, welfare, or discipline of the brigade or is prejudicial to the security of the State or any part thereof.

(2) Any member of the Youth Brigade, against whom disciplinary action is initiated shall be given an opportunity to explain the charges against him. The authorized officer may by an order in writing, terminate the appointment of any member of the Youth Brigade.

9. A perusal of the above said Rule would clearly indicate that the authorities have to satisfy themselves with regard to the availability of the ground as enumerated under Rule 8 of Tamil Nadu Special Police Youth Brigade Rules 2013.

10. I have carefully perused the dismissal order dated 27.09.2016 which discloses that such reasons have not been recorded in the dismissal order. The filing of the charge sheet has been recorded as the sole reason for terminating him from service. The appellate authority has rejected the



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appeal only on the ground that the petitioner has not been honorably acquitted by the criminal Court. Therefore, it is clear that the both the original authority as well as the appellate authority have not recorded any reasons as enumerated under Rule 8 of Tamil Nadu Special Police Youth Brigade Rules, 2013.

11. In view of the above said facts, the order impugned in the writ petition dated 30.10.2019 is hereby set aside and the matter is remitted back to the file of the second respondent herein for fresh consideration and to pass orders in the light of the Rule 8 of of Tamil Nadu Special Police Youth Brigade Rules, 2013, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity due to the petitioner.

12. with the above said observations, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

30.11.2023

NCC : Yes/No
Index : Yes / No



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Internet : Yes / No
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R.VIJAYAKUMAR,J.

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