



WEB COPY



W.A.No.19 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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1.The Deputy Inspector General of Police,
Thanjavur Range (In-charge Trichy Range),
Trichy.

2.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

.. Appellants

Vs

B.Thirugnana Sambandam

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 16.7.2021 passed by the learned Single Judge in W.P.No.32257 of 2013.

For the Appellants

: Mr.P.Kumaresan
Addl. Advocate-General
assisted by Mr.J.Daniel
Government Advocate

For the Respondent

: Mrs.P.Mahalakshmi



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for Mr.T.Santhosh

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JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Heard Mr.P.Kumaresan, learned Additional Advocate General appearing on behalf of the appellants; and Mrs.P.Mahalakshmi, learned counsel for the respondent.

2. This appeal is directed against the order dated 16.7.2021 passed by the learned Single Judge in W.P.No.32257 of 2013.

3. The original writ petitioner/respondent herein was awarded a punishment of removal from service on the ground that he failed to return to duty and voluntarily absented himself for 21 days, which amounts to misconduct of desertion.

4. The learned Single Judge, by the order impugned in the appeal, allowed the writ petition and directed reinstatement of the respondent with all monetary and attendant benefits. As the



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respondent attained the age of superannuation during the pendency of the writ petition, the learned Single Judge further directed the appellants herein to pay all monetary and attendant benefits due to him from the date of his removal from service till he attained the age of superannuation and also directed the appellants to disburse the same within a period of twelve weeks from the date of receipt of the said order copy, failing which, it was observed that the respondent herein will be entitled to interest at the rate of 6% per annum from the date of his removal till the date of the disbursement of the entire terminal benefits.

5. The learned Single Judge, on facts, found that the respondent herein had sent a letter for extension of leave on medical grounds along with a medical certificate, but the same was refused by the Inspector of Police, SJ and HR, Nagapattinam, and an order of desertion was issued against the respondent. That apart, it was held that the orders impugned in the writ petition suffer from the vices of non-application of mind, mala fide, violation of principles of natural justice and do not stand the test of judicial



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scrutiny.

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6. It is beyond any cavil that the respondent's record of service is unblemished. It is further not disputed that the respondent was suffering from Lumbago and the medical leave was sanctioned at the first instance. Various instances of violation of principles of natural justice while conducting the disciplinary proceedings were also highlighted by the learned Single Judge. No explanation whatsoever is forthcoming on behalf of the appellants to justify the punishment imposed upon the respondent and the procedure adopted in gross violation of the rudimentary principles of natural justice. That apart, the learned Single Judge explicitly held that the order of the appellate authority lacks reasons and the well settled proposition of law is that an order of affirmation needs to contain reasons. In the case on hand, the order passed by the appellate authority is cryptic.

7. For the foregoing reasons, the writ appeal is devoid of



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merits and is, accordingly, dismissed. There shall be no order as to costs. Consequently, C.M.P.No.146 of 2024 is closed.

(R.M.D., ACJ.) (M.S.Q., J.)
04.07.2024

Index : Yes/No
NC : Yes/No
sasi



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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(sasi)

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