



WEB COPY



W.P.No.27511 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27511 of 2023
and W.M.P.No.26954 of 2023

N.Kumaresan

.. **Petitioner**

Vs.

1.The Director General of Police
Kailasapuram, Mylapore
Chennai.

2.The Deputy Inspector General of Police
No.5, Dr.Abdur Rahim Road
Coimbatore Central (Near Race Course)
Coimbatore – 641 018.

3.The Superintendent of Police
Superintendent of Police
Tiruppur.

4.The Deputy Superintendent of Police
DCRB, Tiruppur.

.. **Respondents**



W.P.No.27511 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records which culminated in Rc.No.E/3103019/AP.1(1)/2022 dated 27.01.2023 on the file of the 1st respondent and quash the same and consequently directing the respondents to award lesser punishment to the petitioner.

For the Petitioner : Mr.S.Rajendra Kumar

For the Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

This Writ Petition challenges the order dated 27.01.2023 whereby the revision petition filed by the petitioner was rejected by the 1st respondent.

2. The case of the petitioner is that the petitioner was assigned PSO duty by an order dated 01.11.2017 to a particular functionary. However, the petitioner was seen carrying one *Geethan* as a pillion rider, in his two-wheeler bearing registration No.TN 54 D 8778 and upon interception, it was found that the said *Geethan* was carrying 20 packets of arrack, each containing one litre. A case in Crime no.321 of 2020 under Section 4 (1) (a) of the Tamil Nadu Prohibition Act was registered. Therefore, departmental



W.P.No.27511 of 2023

proceedings were initiated against the petitioner. It contained two charges.

The first charge against the petitioner is that when the petitioner left his security duty on 19.04.2020, he had informed the said person that he was leaving for *Tiruppur* for two days. At that time, he did not surrender the arms and ammunition and he did not inform his controlling authority and on his own, he left the headquarters, as such committed the misconduct. The second charge against the petitioner is that the petitioner was intercepted while riding his motorcycle bearing registration No.TN 54 D 8778 and since he was carrying one *Geethan* as a pillion rider and also in possession of 20 litres of illicit arrack and subsequent to that, a case in Crime No.321 of 2020 under Section 4 (1) (a) of the Tamil Nadu Prohibition Act, at *Yethapur* Police Station was registered against the petitioner and he was arrested and released on bail.

3. An enquiry was conducted and a punishment of dismissal from service was imposed on him, by an order dated 09.12.2021. Thereafter, the petitioner preferred an appeal, which was also dismissed on 08.04.2022. As



W.P.No.27511 of 2023

WEB COPY

against the dismissal order, the petitioner filed a revision petition under Rule 15 (a) of the Tamil Nadu Police Subordinate Service Rules before the 1st respondent herein. In the said revision petition, the petitioner had raised several grounds including the grounds that by an order dated 30.06.2022 in CrI.O.P.No.12124 of 2022 as against the Crime No.321 of 2022, this Court quashed the First Information Report, since the sample of the alleged illicit arrack was not sent for forensic lab and continuation of the case would be a futile exercise. Now, by the impugned order dated 27.01.2023, the revision petition was dismissed.

4. The learned counsel for the petitioner would submit that the revisional authority has not at all considered any of the grounds raised in the revision petition and it has been simply rejected by passing a one-line order.

5. Per contra, the learned Additional Government Pleader would submit that this is the case where criminal case ended on acquittal only on technical grounds. As far as the other charge is concerned, there were ample



W.P.No.27511 of 2023

records to prove the charge. Therefore, he would submit that it is not a fit case for interference.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. This Court is not going into any of the contentions raised by the learned counsel for the petitioner or the seriousness of the offences or otherwise of the charges or the conduct of the respondent – Department thus far. Immediately after registering the FIR in Crime No.321 of 2022, the respondents not even sent the sample of the illicit arrack for testing its originality, to the forensic lab. Be that as it may, as far as the instant case is concerned, the revision being provided under the rules, the authority passing orders on the revision is duty bound to give detailed reasons for rejection. Reason is the heart and soul of the statutory order. In the absence thereof, this Court is inclined to allow the Writ Petition on the following terms:-



W.P.No.27511 of 2023

WEB COPY

(i) The impugned order dated 27.01.2023 shall stand quashed.

However, the matter is remanded back to the 1st respondent to pass orders afresh by considering the review petition and pass a reasoned order;

(ii) It is made clear that it would be open for the 1st respondent to afford personal hearing to the petitioner, before passing the order in the revision petition;

(iii) No costs. Consequently, connected miscellaneous petition is closed.

14.06.2024

Neutral Citation : No

Jer

To

1.The Director General of Police
Kailasapuram, Mylapore
Chennai.

2.The Deputy Inspector General of Police
No.5, Dr.Abdur Rahim Road
Coimbatore Central (Near Race Course)
Coimbatore – 641 018.

3.The Superintendent of Police
Superintendent of Police

Page 6 of 8



W.P.No.27511 of 2023

Tiruppur.

WEB COPY

4.The Deputy Superintendent of Police
DCRB, Tiruppur.

D.BHARATHA CHAKRAVARTHY, J.

Page 7 of 8



WEB COPY



W.P.No.27511 of 2023

Jer

W.P.No.27511 of 2023

14.06.2024