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W.A.No.3457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.3457 of 2024

and

C.M.P.Nos.26863 and 26864 of 2024

R.Pandiarajan
S/o.K.Ramalingam
Presently working as
Deputy Commissioner of Police,
Greater City Police, K5, Peravallur Police Station,
70ft Road, Siva Elango Salai,
Peravallur,
Chennai - 82.

... Appellant

-Vs-

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Department of Home, Prohibition & Excise,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Director General of Police / HoPF,
Tamil Nadu, Chennai,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

... Respondents

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the



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order in W.P.No.27784 of 2023 dated 30.08.2024 and allow the above writ appeal.

For Appellant : Mr.Richardson Wilson

For Respondent : Mr.S.Yashwanth
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order passed by the writ Court dated 30.08.2024 in W.P.No.27784 of 2023.

2. A show cause notice has been issued against the appellant / writ petitioner by the disciplinary authority on 22.08.2023 to show cause as to why the action shall not be taken against him under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. As against the said show cause notice, he filed the above writ petition.

3. The learned writ Court while deciding the said writ petition has concluded that, the said show cause notice itself was given pursuant to a direction given by a Division Bench of this Court in W.P.(MD)No.6238 of 2019, therefore, pursuant to the direction given by way of a judicial order of this Court, if show cause notice is issued, it is open to the appellant / writ petitioner



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to give a reply to the show cause notice, instead since he had come to the writ Court that was negated by the writ Court and dismissed the said writ petition.

4. Though as against the said order of the writ Court, this intra Court appeal was filed, Mr. Richardson Wilson, learned counsel appearing for the appellant would submit that, the learned Judge while disposing the said writ petition has made observations stating that, as if the Division Bench had directed to issue show cause notice against the appellant / writ petitioner, thereby, the charge has been pinpointed against the appellant / writ petitioner, but in this context, the learned counsel invited the attention of this Court to paragraph No.13 of the Division Bench judgment dated 15.03.2019.

5. He would further submit that, in the said writ petition, the appellant / petitioner is not a party, therefore, it is a general direction given in the following lines, namely, "it is expected that the Police officials who are responsible for disclosure of the identity of the victim would be departmentally proceeded with by the State Government."

6. Therefore, who are responsible for such a disclosure of identity alone shall be departmentally proceeded, to that effect, the show cause notice issued



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targeting the appellant / petitioner is beyond the facts and circumstances and therefore, the said show cause notice when it was challenged, it was upheld by the learned Judge through the impugned order, hence he seeks for indulgence.

7. We have heard Mr.Richardson Wilson, learned counsel appearing for the appellant and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondent.

8. Insofar as the impugned show cause notice before the writ Court dated 22.08.2023 is concerned, it is a Rule 17(a) proceedings of 1955 Rules which is like a summary proceedings, where there has been a *prima facie* charge or complaint, based on which, initially the show cause notice would be issued, for such a procedure to be adopted, even a judicial order as the one which has been quoted now issued by the Division Bench not required.

9. When such a show cause notice is issued against the appellant / petitioner, it is open to the appellant / petitioner to give his reply to state that, he is not connected whatsoever with the alleged divulgence or disclosure of the identity of the victim and such a suitable reply can very well be given by the appellant / petitioner, instead the appellant / petitioner had rushed to this Court



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and filed the said writ petition which in fact was rightly disposed by rejecting the plea of the writ petitioner.

10. If at all the only grievance of the appellant / petitioner is that, the learned Judge while disposing the writ petition has given certain findings which, to some extent, may prejudice the interest of the appellant / petitioner while he is facing the show cause notice by giving a reply, to that extent, we are inclined to clarify that, whatever the observations that has been made by the learned Judge through the impugned order shall not stand in the way to deal with the issue by getting the reply from the appellant / petitioner pursuant to the show cause notice dated 22.08.2023.

11. In that view of the matter, we are inclined to dispose of this writ appeal with the following orders:

(i) The order impugned herein does not warrant any interference at our hands. Equally, the order impugned before the writ Court dated 22.08.2023 also does not warrant any interference. Resultantly, the writ appeal fails, therefore, it is dismissed.

(ii) Now it is open to the appellant / writ petitioner to give reply to the show cause notice dated 22.08.2023 within a period of one week from the date of receipt of a copy of



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this order.

(iii) On receipt of such reply, it is open to the disciplinary authority who issued such a show cause notice, shall proceed with the same on merits and in accordance with law, where whatever the defence to be made by the appellant / petitioner in the reply to the show cause notice, shall be considered objectively and decided accordingly within a period of four weeks thereafter.

(iv) In this context, any observations made by the writ Court through the impugned order shall not stand in the way.

12. With these observations and directions, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (C.S.N., J.)

25.11.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,



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Department of Home, Prohibition & Excise,
Secretariat, Fort St.George,
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