



W.P.No.33007 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.33007 of 2016
and
W.M.P.No.28520 of 2016

S.Sridhar

... Petitioner

Vs

1.The Superintendent of Police,
Kancheepuram District.

2.The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.

3.The Director General of Police,
Tamil Nadu,
Chennai – 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in connection with the impugned passed by him in PR No.71/2012 dated 13.05.2013 and confirmed by the 2nd and 3rd respondents in C No.B2/AP.21/2013 dated 23.08.2013 and RC No.197908/API(2)/2014 dated 01.06.2016 respectively and quash the same.



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For Petitioner : No Appearance

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

The facts on record reveal that the Petitioner was formerly serving as Special Sub-Inspector of Police. The Petitioner was issued with a Charge Memo dated 17.10.2012 which culminated in the Enquiry Report of the Enquiry Officer and ultimately in the Order of the 1st Respondent dated 13.05.2013, whereby, the report of the Enquiry Officer has been accepted and punishment of stoppage of increment for a period of three years with cumulative effect has been imposed on the Petitioner.

2. The Petitioner's appeal against the Order dated 13.05.2013 before the 2nd Respondent was dismissed vide Order dated 23.08.2013, which decision stands affirmed by the 3rd Respondent vide Order dated 01.06.2016 while rejecting the Mercy Petition dated 01.06.2016 of the Petitioner (hereinafter referred to as the Impugned Orders).



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3. A reading of the Impugned Order dated 13.05.2013 indicates that although the 1st Respondent/the Disciplinary Authority has found the Petitioner guilty, there is no discussion in the aforesaid Impugned Order dated 13.05.2013 of the 1st Respondent on the submission of the Petitioner as to why the charges should not be made out against him. All that the Impugned Order dated 13.05.2013 of the 1st Respondent states is that the authority has perused the reasonings given by the Petitioner and that the explanation given by the Petitioner was not acceptable.

4. The aforesaid Impugned Order dated 13.05.2013 of the 1st Respondent has been affirmed by the 2nd Respondent as the Appellate Authority vide Impugned Order dated 23.08.2013 and the Mercy Petition filed by the Petitioner against the Impugned Orders passed by the 1st and 2nd Respondents was subsequently rejected by the 3rd Respondent vide Impugned Order dated 01.06.2016. Clearly, there is a gross violation of Principles of Natural Justice. This Court is not concerned with the merits of the decision itself, but with the fairness of the decision making process.



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5. Considering the same, the Impugned Orders of the 1st, 2nd and 3rd Respondents are set aside and the case is remitted back to the 1st Respondent to pass a fresh order on merits and in accordance with law after giving an opportunity of hearing to the Petitioner. Needless to state, the order to be passed by the 1st Respondent shall discuss the objection of the Petitioner and thereafter appropriate orders shall be passed. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition stands allowed with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

23.04.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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To

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C.SARAVANAN, J.

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