



WEB COPY

WP No. 9686 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 9686 of 2022

S.Gurumoorthy
HC 31881, V4 Rajamangalam Police Station
(Crime) Chennai- 600 099.

..Petitioner(s)

Vs

1. The Director General of Police
Mylapore, Chennai- 600 004.
2. The Inspector General of Police
Intelligence, Chennai- 600 004.
3. The Additional Superintendent of Police
PEW, Vellore District, Vellore.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the Charge Memo in Tha. Pa.No.88 / 2005 dated August 2005 issued by the 3rd Respondent herein and the order of Punishment No. Vellore District PR. No. 88 /05 u/ r 3 (b) C. No. D1. Security Br. / 2433 / 2010 dated 31.01.2012 passed by the 2nd Respondent herein and the Rejection order Rc. No.15595 / AP IV (2) / 2016 dated 12.07.2016 passed by the 1st Respondent herein and another rejection order R.C. No. 78555 / AP 2 (2) / 2017 dated 24.12.2021 passed by the 1st Respondent herein and quash the same and consequently direct the Respondents to extend all service benefits to petitioner.



For Petitioner(s):

Dr.R.Sampath Kumar

For Respondent(s):

MR.V.Jeevagiridharan,
Additional Government Pleader

ORDER

The present Writ Petition is filed challenging the impugned order dated 24.12.2021, on the short ground that the first respondent has passed a non speaking order, without assigning any reasons, and thus, the entire proceedings would stand vitiated. It may be relevant to note that this is the second round of litigation, inasmuch as, in the earlier round, this Court vide order dated 12.08.2021, had set aside the order passed by the first respondent and remanded the matter for fresh consideration. However, the impugned order has again been passed without assigning any reasons.

2. It is submitted that petitioner joined the Police Department as a Grade II Constable on 14.04.1997. During August 2005, petitioner was working with the Tamil Nadu Uniformed Services Recruitment Board (TNUSRB) under the control of the Additional Director General of Police. A Charge memo came to be issued under Section 3(b) of the Tamil Nadu Police Subordinate Services (Discipline & Appeal) Rules, 1955 in August 2005 by the Additional Superintendent of Police / third respondent herein, charging petitioner of leaking the question papers for the Departmental Examination conducted for



promotion to the post of Sub Inspector of Police. This was followed by an enquiry, which was completed on 20.10.2005. Ultimately, the departmental proceedings ended in an order of punishment on 31.01.2012, passed by the second respondent herein, wherein petitioner was inflicted with the punishment of reduction of timescale of pay by three stages for three years with cumulative effect.

3. Aggrieved by the said order, petitioner preferred an appeal dated 07.05.2012 before the first respondent herein. Since it was kept pending despite repeated reminders, petitioner was constrained to file a Writ Petition in W.P.No.30658 of 2015. This Court, vide order dated 29.09.2015, directed the first respondent to dispose of the appeal within four weeks from the date of receipt of a copy of that order. Thereafter, the Appellate Authority namely the first respondent herein rejected the appeal by order dated 12.07.2016.

4. Aggrieved by the same, petitioner preferred another Writ Petition in W.P.No.2630 of 2017, wherein this Court had set aside the order and remanded the matter back to the first respondent for fresh consideration and also permitted petitioner to file additional grounds of appeal. The relevant portion is extracted hereunder:

“7.In the light of the above observations, the impugned order dated 12.07.2016 passed by the first respondent, is



hereby set aside and the matter is remitted back to the first respondent for fresh consideration. The petitioner is at liberty to submit additional grounds of appeal, within 7 days from the date of receipt of a copy of this order. On receipt of such additional grounds, if any, the first respondent herein shall consider the petitioner's original appeal petition dated 07.05.2012, along with the additional grounds of the petitioner, if any, and pass final orders, in conformity with the procedure contemplated under Rule 6 of the Tamil Nadu Police Subordinate Services Rules, atleast, within a period of three months from the date of receipt of a copy of this order."

5. Pursuant thereto, petitioner had raised certain additional grounds and submitted the same before the Appellate Authority on 03.11.2021. However, the impugned order dated 24.12.2021 has been passed without assigning any reasons. According to petitioner, the impugned order suffers from violation of principles of natural justice, as no reasons have been assigned while rejecting the appeal. In this regard, he would refer to the following portions of the order dated 24.12.2021.

"7) I have gone through his petition along with PR file and the connected records carefully. Considering his representation I do not find any convincing materials in his representation. Hence, I decline to interfere with the punishment and reject his petition."



6. On this being pointed out, learned Additional Government Pleader appearing on behalf of the respondents, except to state that the entire records had been considered, was not able to submit as to how this impugned order could be construed, in any manner, as a speaking order.

7. Learned Additional Government Pleader for the respondents would submit that, in cases where the order of the Original Authority being confirmed by the Appellate Authority, the need to reiterate the reason may not arise. However in the present case, without going into the merits or otherwise of the above contention, this Court finds that additional grounds had also been raised and therefore, there was a duty cast upon the Appellate Authority to render its findings on the additional grounds which had been raised, *inter alia*, including the fact that certain documents relied upon had not even been signed by the petitioner.

8. When this was pointed out, learned Additional Government Pleader for the respondents would submit that they would reconsider the matter and pass orders afresh within the time stipulated by this Court.

9. In view of the above, this Court directs the Appellate Authority, namely the first respondent herein, to reconsider the matter and pass orders afresh within a period of six (6) weeks from the date of receipt of a copy of this



order, after affording petitioner an opportunity of hearing. It is open to petitioner to submit additional documents or additional submissions within a period of two (2) weeks from the date of receipt of a copy of this order, and that the order to be passed shall be reasoned and speaking order.

10. Accordingly, this Writ Petition stands disposed of. No Costs.

18-03-2026
(1/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU

To

1. The Director General of Police
Mylapore, Chennai- 600 004.
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Intelligence, Chennai- 600 004.
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MOHAMMED SHAFFIQ, J.

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