



W.P.NO.10412 OF 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.10412 OF 2024

R.Ramasamy

... Petitioner

VS.

1.The Special Director General of Police
Enforcement
O/o. The Additional Director General
of Police, Crime
Chennai – 600 008.

2.The Inspector of Police
(V and AC) Coimbatore.
(R2 – suo motu impleaded as per order
dated 17.04.2024 in W.P.No.10412/2024) ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 03.01.2021 in Rc.No.A3/0001/Crime/2021-2 C.O.No.002/2021 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all other benefits.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.M.Shajahan
Special Government Pleader



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ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to the order dated 03.01.2021 passed by the first respondent and quash the same. The petitioner seeks reinstatement in service together with all other benefits.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner was working as a Head Constable in the Tamil Nadu Police. The petitioner, along with the Inspector of Police, was implicated in Crime No.15/2020/AC/CB dated 31.12.2020, registered by the NIB-CID, Coimbatore Unit. It is alleged that the Inspector of Police and the petitioner demanded a sum of Rs.1,00,000/- from the *defacto* complainant, pursuant to which a trap was laid. The trap was successful, resulting in the registration of an FIR in Crime No.15/2020/AC/CB for the offence punishable under Section 7(a) of the Prevention of Corruption Act. The petitioner was placed under suspension, challenging which the present writ petition has been filed.



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3.The petitioner has filed the present writ petition not merely on the ground of seeking revocation of the suspension order, but primarily because the co-accused, namely, the Inspector of Police, had earlier filed a writ petition in W.P. No. 11642 of 2021. A learned Single Judge of this Court, by order dated 10.10.2023, taking into consideration the prolonged period of suspension and relying on the dictum laid down by the Hon'ble Supreme Court in *Ajay Kumar Choudhary Vs. Union of India, through its Secretary and another, Civil Appeal No.1912 of 2015 dated 16.02.2015*, held that the petitioner therein (Inspector of Police) could be posted to a non-sensitive post, and accordingly revoked the order of suspension. It is this development that has necessitated the filing of the present writ petition by the petitioner.

4.The learned counsel for the petitioner submitted that a charge sheet has been filed in Special C.C.No.6 of 2024 on 22.05.2024 before the Special Court for Vigilance and Anti-Corruption, Coimbatore.

5.The learned Special Government Pleader submitted that the petitioner was involved in a serious case of demand for bribe, along



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with the co-accused. It was further stated that following investigation, a final report has been filed and cognizance has been taken by the jurisdictional Court. However, it was also pointed out that unfortunately, there has been no progress in the trial.

6. In the judgment referred to by the learned Single Judge in *Ajay Kumar Choudhary vs. Union of India (supra)*, the Hon'ble Supreme Court laid down certain guidelines for examining cases involving prolonged suspension of public servants. Although the Court placed a caveat that such guidelines may not be directly applicable in cases involving allegations of corruption, it nevertheless emphasized the obligation of the competent authority to review the suspension periodically, at least once in three months. The Court also observed that continued payment of subsistence allowance without extracting any work would burden the public treasury. Therefore, a decision may be taken to post the public servant in a non-sensitive position. Further, no post is inherently non-sensitive ; every public post carries its own responsibilities and should be approached with due seriousness.



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7.The only compelling factor in this case is the long period of suspension endured by the petitioner since 2020. In light of this particular time factor, the petitioner should not be treated differently from the Inspector of Police, who had earlier filed a writ petition as referred to above. I would therefore direct revocation of the order of suspension but direct that the petitioner, who was previously posted at Coimbatore, be posted to a district that is at least three districts away from Coimbatore.

8.The respondents may proceed with the criminal trial and any disciplinary proceedings, if they are of the opinion that the same should be initiated against the petitioner herein. Necessary orders in this regard should be passed within a period of six weeks from the date of receipt of a copy of this order.

9.The writ petition stands disposed of. No costs.

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Index : Yes / No
Neutral Citation : Yes / No



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Speaking Order : Yes / No
TK

C.V.KARTHIKEYAN, J.

TK

To

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O/o. The Additional Director General
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