

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 6.2.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.20250 OF 2014

V.Mohanaj

... Petitioner

versus

1.The Deputy Inspector General of Police,  
Coimbatore Range, Coimbatore.

2.The Director General of Police,  
Tamil Nadu, Chennai 4.

... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus Calling for the records pertaining to the order of the 2nd respondent herein passed in Rc. No.027733/ A.P.IV(3) 2014 dated 30.5.2014 rejecting the petitioner's representation based on the order passed in W.P.No.2407/ 2014 to quash the same and consequently direct the respondents to revoke the Order of Suspension passed by the 1st respondent in his proceedings in Rc.No.1251/ D1/2010 Range Order No.63/2010 dated 19.2.2010.

For petitioner

Mr.C.Deivasigamani

For respondent

Mr.M.S.Ramesh, A.G.P.

O R D E R

The petitioner is an accused in C.C.B.No.26/2009, on the file of Tiruppur North Police Station. The State Government transferred the investigation to CBI, pursuant to the orders passed by this Court dated 19 April 2011 in CrI.O.P.Nos.2691 and 5356 of 2011.

2. The Government having found that the petitioner is the prime accused, suspended him from service by order dated 19 February 2010. The petitioner filed a Writ Petition in W.P.No.2407/2014, before this Court to direct the respondents to consider his representation for review of suspension. This Court, directed the 2<sup>nd</sup> respondent to consider the case in the light of the order in W.P.No.29195/2010. The 2<sup>nd</sup> respondent considered the

issue once again and rejected the representation. The said order is under challenge in this Writ Petition.

3. The learned counsel for the petitioner contended that there was a specific direction given by this Court to consider the representation in the light of the earlier order in W.P.No.29195 of 2010. According to the learned counsel, the earlier decision was not taken note of by the first respondent and as such, the impugned order is liable to be set aside.

4. The learned Additional Government Pleader contended that the petitioner is an accused in a very serious crime and as such, he was rightly placed under suspension. According to the learned counsel, criminal case is now pending and as such, the representation for review of suspension was rightly rejected.

5. The petitioner is involved in a case in Cr.No.3068/2009 on the file of Tiruppur North Police Station. The case was registered for offences relating to woman missing, coercion etc. and other offences including Tamil Nadu Prohibition of Women Harassment Act, 2002. The case registered by Tiruppur North Police Station was subsequently transferred to the CBI pursuant to the order dated 19 April 2011 in CrI.O.P.Nos.2691 and 5356 of 2011. CBI completed the investigation and laid charge-sheet against the petitioner. CBI recommended the Government to take regular departmental action against the petitioner.

6. The petitioner was placed under suspension on account of his involvement in a criminal case. The petitioner submitted a representation to review his suspension. This Court directed the 1<sup>st</sup> respondent to consider the representation in the light of the earlier order. The 2<sup>nd</sup> respondent considered the case of the petitioner in the light of the order passed by this Court. The 2<sup>nd</sup> respondent found that this is not an ordinary case of dereliction of duty or negligence but rather a serious criminal charge of having defrauded thousands of depositors. The earlier order passed by this Court and referred to in the order dated 2 July 2014 in W.P.No.29195 of 2010 was also referred to by the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent opined that even posting the petitioner to a far off place does not appear appropriate in the light of background facts.

7. The 2<sup>nd</sup> respondent considered the case of the petitioner for review of suspension in the light of the charges pending against him. The petitioner now wanted this Court to exercise the power of judicial review. There is no question of analyzing the reasons given by the Competent Authority and substituting the views, by exercising the power of judicial review. The Court in a matter of this nature, must respect the views of the Disciplinary Authority. In short, judicial review is very limited in a matter of this nature, involving police officers and

that too in the case of an accused involved in a serious criminal case. I am therefore of the view that the 2<sup>nd</sup> respondent was justified in rejecting the representation submitted by the petitioner for review of suspension.

8. In the upshot, I dismiss the Writ Petition. No costs. Consequently, M.P.No. is also dismissed.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

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To

1.The Deputy Inspector General of Police,  
Coimbatore Range, Coimbatore.

2.The Director General of Police,  
Tamil Nadu, Chennai 4.

1 cc to Mr.C.Deivasigamani, Advocate, Sr. 6789

1 cc to Government Pleader, sr. 6693

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