

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.A.No.776 of 2015

V.Mohanraj

...Appellant/Petitioner

Vs

1 The Deputy Inspector General of Police
Coimbatore Range
Coimbatore

2. The Director General of Police
Mylapore
Chennai - 600 004
Tamil Nadu

...Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 06-02-2015 made in W.P.No.20250 of 2014.

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 appellant : Mr. C. Deivasigamani

For respondents : Mr. P.S. Shivashanmugha Sundaram,
Spl.G.P.

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI,J.)

The instant intra-Court appeal is directed against the order dated 06-02-2015 passed in W.P.No.20250 of 2014.

2 Assailing the continuation of his suspension, the appellant had come up with the instant writ petition seeking the relief of quashment of order dated 30.05.2014, whereunder, his representation dated 12.02.2014 to revoke the suspension order dated 19.02.2010, was turned down.

3 The learned Single Judge, recording the fact that the appellant is involved in a serious criminal case, which is registered as Crime No.3068 of 2009 on the file of the Tiruppur North Police Station in respect of woman-missing, coercion, etc. and other offences under the Tamil Nadu Prohibition of Women Harassment Act, 2002, dismissed the writ petition.

4.1 The facts in nutshell, as projected by the appellant are that while he was working as Inspector of Police, he was placed under suspension, pending registration of a criminal case in Crime No.3068 of 2009 on the file of the Tiruppur North Police Station, vide order dated 19.02.2010, passed by the first respondent. Thereagainst, the appellant moved this Court in W.P. No.2407 of 2014, seeking quashment of the suspension order and also the consequential order dated 01.11.2010, by which, his representation to revoke the suspension was turned down and also for a direction to the respondents to revoke his suspension in the light of the decision of this Court in W.P. No.29195 of 2010 etc. batch.

4.2 A learned Single Judge of this Court, vide order dated 28.01.2014, disposed of the writ petition, directing the appellant to submit a detailed representation within a period of two weeks and also directed the authorities to consider and dispose of the appellant's representation in the light of the order dated 02.07.2012 passed in W.P. No.29195 of 2010 etc. batch.

4.3 The authorities, having considered the appellant's representation dated 12.02.2014, by order dated 30.05.2014 impugned in the writ petition, dismissed the appellant's representation seeking revocation of suspension in the following terms:

"6. I have carefully gone through the representation of Tr.V. Mohanraj, in the light of the orders of the Hon'ble High Court. I have also given careful consideration to the view of the CBI.

This is not an ordinary case of dereliction of duty or negligence or misdemeanour. There are criminal charges of extorting money from the accused who had defrauded thousands of defaulters. It will be untenable to allow him to exercise powers of a Police Officer, when he is charged with such serious criminal offences. The case of Inspector Shanmugaiah cited by him stands on a different footing as he had been pardoned by the Court and does not face criminal charges. Even posting the petitioner to a far off place does not appear appropriation in the light of the background of the case. The petitioner for revocation of suspension is rejected."

5 The learned counsel for the appellant submitted that the appellant has been subjected to discrimination inasmuch as suspension of other accused has been revoked. Further, according to the learned counsel, the investigation and trial in the case of the appellant are not proceeded with and the appellant is still under suspension without full payment. Thus, the suspension is required to be revoked.

6 We have considered the submissions made by the learned counsel for the appellant and the learned Special Government Pleader appearing for the respondents, carefully and also perused the pleadings and documents appended thereto.

7 It is to be noted that the case on hand involves serious charges. Even the Central Bureau of Investigation was directed to investigate the matter. Besides, a recommendation has been made by the Central Bureau of Investigation to initiate departmental action against the appellant. Concededly, having regard to the pendency of a criminal case of serious nature against the appellant, it is not proper for this Court to direct the authorities to revoke the suspension. So far as revocation of suspension of other persons is concerned, that may not be a ground for revocation of suspension in the instant case. The gravity of charges varies on the basis of involvement of the person concerned. The subject matter is still at the stage of investigation and trial.

8 Thus, we do not find any reason, much less any substantial reason, to exercise extra-ordinary jurisdiction to direct the respondents to revoke the suspension, pending investigation and trial of the criminal case. However, in the interest of justice, it is apposite to direct the authorities to expedite the completion of the criminal case. If a further representation is made to the authorities, the authorities may not be constrained by the earlier

orders passed by the authorities as well as this Court, in considering the appellant's representation afresh, on the basis of available facts and the subsequent developments.

9 With the above direction and observation, this writ appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

glp/cad

To

- 1 The Deputy Inspector General of Police
Coimbatore Range
Coimbatore
2. The Director General of Police
Mylapore
Chennai - 600 004
Tamil Nadu

1 CC to Mr. C. Deivasigamani, Advocate SR.No. 26787

1 CC to the Government Pleader, SR.No. 26880

सत्यमेव जयते

W.A.No.776 of 2015

RV (CO)
PSI (03.07.2015)

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