

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23729/2015 & MP.Nos.1&2/2015

P.Vaithilingam

... Petitioner

Versus

1.The Principal Secretary to Government
Home department, Fort St George
Chennai 600009.

2.The District Superintendent of Police
O/o.The District Superintendent of Police
Tiruvallur District, Tiruvallur.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to the suspension order in G.O [2D] No.248, dated 24.07.2015 on the file of the Home [Police 2] Department, passed by the 1st respondent and quash the same and also directing the 1st respondent to pass final orders on the enquiry report of the 2nd respondent dated 16.06.2015 and as well as further representation made by the petitioner dated 06.07.2015.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.V.Subbiah, Spl.GP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner while working as Deputy Superintendent of Police, Anti-Land Grabbing Cell, Tiruvallur, has faced disciplinary proceedings in the form of three charges and after conclusion of the enquiry, the Enquiry Officer held that Charge No.3 has been proved and the petitioner was furnished with the Enquiry Report, for which, the petitioner has offered his explanation. The petitioner has attained the age of superannuation on 31.07.2015 and just 7 days prior to, he was issued with the impugned order of suspension by the 1st respondent in G.O. [2D] No.248 dated 24.07.2015. Challenging the legality of the same, the petitioner has filed this writ petition.

3.Mr.S.Kumaradevan, the learned counsel for the petitioner would submit that the petitioner has fully cooperated with the enquiry and the Enquiry Officer has found that Charge No.3 has been proved and the petitioner has also offered his explanation and instead of passing final orders, on the verge of retirement, the petitioner was placed under suspension and adding salt to the wound, the 1st respondent has passed one more order in G.O. [2D] No.153 dated 30.07.2015, not permitting the petitioner to retire from service and hence, prays for quashment of the said orders.

4.Per contra, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that since final orders in the disciplinary proceedings could not be passed, prior to the date of retirement of the petitioner, the petitioner was placed under suspension on 24.07.2015 followed by another order dated 30.07.2015, not allowing the petitioner to retire and the said order is passed by invoking Fundamental Rules 56[1][c] and hence, prays for dismissal of this writ petition.

5.This Court considered the rival submissions made on either side and perused the materials placed on record.

6.It is not in dispute that the final orders are yet to be passed in respect of the disciplinary proceedings initiated against the petitioner and therefore, the 1st respondent was constrained to pass the impugned order of suspension on 24.07.2015 followed by another order dated 30.07.2015 by invoking FR 56[1][c]. In the light of the above facts and circumstances, this Court is of the view that it would suffice to direct the 1st respondent to pass final orders on the disciplinary proceedings initiated against the petitioner.

7.In the result, the writ petition is disposed of and the 1st respondent is directed to pass final orders in respect of the disciplinary proceedings initiated against the petitioner as expeditiously as possible, not later than four months from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

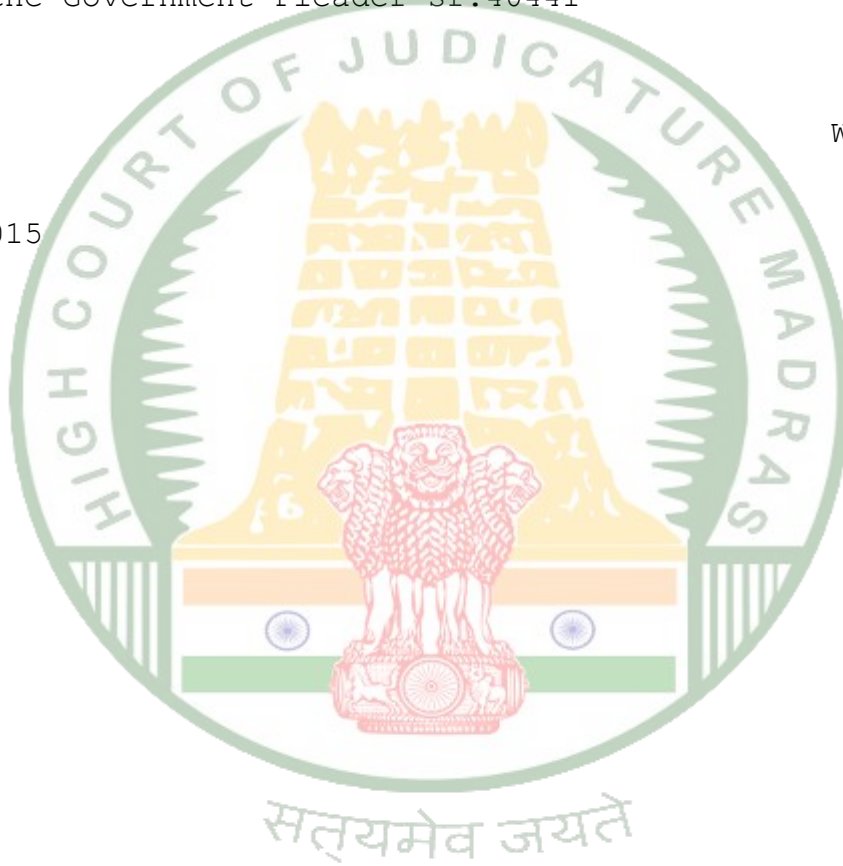
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O/o.The District Superintendent of Police
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+1 cc to Mr.S.KumaraDevan, Advocate sr.40274
+1 cc to the Government Pleader sr.40441

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