

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2087 of 2007

A.Venkatachalam

...Petitioner

Vs.

The Joint Commissioner of Police,
South Zone, City Police Office,
Egmore, Chennai - 8.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorari to call for the records of the respondent in Charge Memorandum Rc.No.P.R.No.597/P.R.I(2)/2006, U/R 3(b), dated 22.12.2006 and quash the same.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.R.Govindasamy, AGP

ORDER

Challenging the correctness of the charge memo dated 22.12.2006 issued by the respondent / the Joint Commissioner of Police, South Zone, Chennai, the petitioner has filed the present writ petition on the ground that there was an unexplained delay of four years in initiating the departmental proceedings.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. During the pendency of this writ petition, a criminal case initiated against the petitioner was ended in conviction in Cr.No.12/2002, dated 02.04.2009, convicting him to undergo three years imprisonment under Section 7 of the Prevention of the Corruption Act and four years under Section 13(1) r/w 13(2) to run

concurrently. In the light of the conviction, the disciplinary authority issued a show cause notice dated 22.04.2009 as to why he should not be dismissed from service. On receiving the explanation offered by the petitioner, the Deputy Inspector General of Police, Chennai, in his order dated 29.04.2009, awarded the punishment of dismissal from service with effect from 02.04.2009. However, on filing the criminal appeal, this Court, by order dated 03.03.2011 in C.A.No.172 of 2009, acquitted the petitioner from criminal case. Based on the acquittal order, the Additional Director General of Police, Chennai, in his order dated 16.07.2012, reinstated him in service, however, he was not allowed to retire from service. Though he has reached the age of superannuation on 30.04.2009, he has been retained in service.

4. Therefore, this Court, without going into the merits of the matter, directs the respondent to complete the disciplinary proceedings pending against the petitioner as per Rule 9 of the Tamil Nadu Pension Rules, 1978, by taking note of the orders issued in G.O.Ms.No.31, P&AR(N) Department, dated 23.02.2012 and subsequent amendment to Rule 9 of the Tamil Nadu Pension Rules, 1978, in G.O.Ms.No.349, Finance(Pension)/13, dated 12.08.2013, within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rkm

To

The Joint Commissioner of Police,
South Zone, City Police Office,
Egmore, Chennai - 8.

WEB COPY

1 CC to Mr.G.Jeremiah, Advocate SR.No. 16540

1 CC to the Government Pleader, SR.No. 16369

W.P.No.2087 of 2007

KV (CO)

PSI (09.04.2015)



WEB COPY