

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27711 of 2015

and

M.P.Nos.1 & 2 of 2015

K.Senthil Murugan

.. Petitioner

- Vs -

The Deputy Inspector of
General of Police,
Kancheepuram Range,
Kancheepuram.

.. Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records of the respondent issued in C.No.B2/8345/2014 R.O.No.197/2014, dated 15.12.2014 and quash the same.

For Petitioner : Mr.K.Venkataramani
SC for Mr.M.Muthappan

For Respondent : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

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

2. The petitioner while working as Inspector of Police (Law and Order), Minjur Police Station, Thiruvallur District, was stated to have involved in a criminal case in Vigilance and Anti-Corruption in Cr.No.7/2014/AC/HQ under Section 7 of the Prevention of Corruption Act subsequently altered to Sections 7, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act for having demanded and accepted illegal gratification of Rs.5,000/- from one Mr.K.Velu and the petitioner was arrested on 13.12.2014 and since he was under custody exceeding 48 hours, he was deemed to have been suspension by the respondent vide order dated 15.12.2014. Thereafter, the petitioner submitted a representation dated 31.03.2015, stating among other things that the investigation as against him has already been over and he has nothing to do with the alleged crime. Hence, praying for revocation of the suspension order he came forward to file this writ petition.

3. Mr.K.Venkataramani, learned senior counsel appearing for the petitioner draws the attention of this Court to the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India reported in (2015) 3 CTC 119 and would submit that any order of Suspension should not extend beyond three months, if within this period, the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served, a reasoned order must be passed for the extension of the suspension. The learned senior counsel would submit that since investigation in this case has already been completed, there cannot be any impediment for the respondent to revoke the order of suspension and prays for appropriate orders.

4. Heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondent.

5. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, this Court directs the respondent to consider and dispose of the representation of the petitioner dated 13.03.2015, on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kk

To
The Deputy Inspector of General of Police,
Kancheepuram Range, Kancheepuram.

+1cc to Mr.M. uthappan, Advocate, S.R.No.47678

+1cc to the Government Pleader, S.R.No.48085

SKV(CO)
EU(24/09/2015)

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