

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.29826 of 2015

S.Krishnan

...Petitioner

Vs.

1 The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai 9

2 The Commissioner,
Tribunal for Disciplinary Proceedings,
Kuralagam, Chennai 108.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to complete the enquiry and pass final orders in the disciplinary proceedings initiated against the petitioner in TDP Case No.15/2007 dated 23.4.2008 (A1/780/2007) within a reasonable time.

For Petitioner : Mr. K.Venkataramani, Sr. Counsel,
for Mr. M.Muthappan

For Respondents : Mr. N.Srinivasan, AGP.,

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O R D E R

Mr.N.Srinivasan, learned Additional Government Pleader, accepts notice on behalf of the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner while working as the Inspector of Police, Maraimalai Nagar Police Station, said to have been committed offences punishable under The Prevention of Corruption Act, 1988, and he was also placed under suspension on 24.12.2005. A criminal case, after investigation, has culminated in the charge sheet, which was taken on file in S.C.No.3 of 2008 by the Court of Special Judge and Chief Judicial Magistrate, Chengalpet, and vide judgment, dated 24.04.2015 the petitioner was honourably acquitted. According to the petitioner, no further appeal has been preferred challenging the order of honourable acquittal. The petitioner, though attained the age of superannuation on 30.09.2007, was not allowed to retire from service by invoking FR 56 (1) (c). The petitioner was also issued with a charge memo under Rule 3 (b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, by the Deputy Inspector General, Kancheepuram, on 21.06.2006 and he was also issued with a charge sheet in TDP Case No.15 of 2007 dated 23.04.2008.

3. Mr. K.Venkataramani, learned senior counsel appearing for the petitioner submitted that admittedly charge memo as well as TDP Case No.15 of 2007 are on the same set of allegations and since the petitioner has been honourably acquitted vide judgment dated 24.04.2015 made in Special C.C.No.3 of 2008, there cannot be any impediment on the part of the concerned authorities to close the charge memo as well as the charge sheet in TDP Case and therefore, prays this Court to pass appropriate orders.

4. This Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader appearing on behalf of the respondents, who would submit that dehors the judgment of honourable acquittal, it is always open to the Department to proceed with the Departmental Enquiry against the petitioner and therefore, prays for dismissal of the writ petition.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, directs the Deputy Inspector General of Police, Kancheepuram District, to conclude the proceedings initiated under the charge memo dated 21.06.2006 and also directs the second respondent to complete the proceedings in terms of the charge sheet dated 23.04.2008 in TDP Case No.15 of 2007 and direct both the officials to pass appropriate orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srk

To

- 1 The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai 9
 - 2 The Commissioner,
Tribunal for Disciplinary Proceedings,
Kuralagam, Chennai 108
 - 3 The Deputy Inspector General of Police,
Kancheepuram District,
Kancheepuram
- 1 CC to Mr. M.Muthappan, Advocate SR.No. 51889
- 1 CC to the Government Pleader, SR.No. 51619

W.P.No.29826 of 2015

PA (CO)
PSI (25.09.2015)

सत्यमेव जयते

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