

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31004 of 2015

and

M.P.Nos.1 to 3 of 2015

K.Sampath Kumar

.. Petitioner

Vs.

1.The Superintendent of Police,
District Police Office, Salem,
Salem District.

2.The District Superintendent
of Police,
Dharmapuri District Police Office,
Dharmapuri District.

3.The Director General of Police,
Mylapore, Chennai - 4.

4.The District Superintendent of
Police, Krishnagiri District,
Krishnagiri.

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of certiorarified mandamus to call for the records made in P.R.No.113/99 dated 12.11.1999 passed by the Superintendent of Police, Dharmapuri District, the second respondent herein and quash the same as illegal and consequently direct the fourth respondent to promote the petitioner as SSI from 05.12.2013 to secure the ends of justice.

For Petitioner .. Mr.K.Nagarajan

For Respondents .. Mr.R.Vijayakumar,
Addl. Govt. Pleader

ORDER

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

2.The petitioner, while working as a Head Constable, was visited with a criminal prosecution in the form of complaint lodged by one Padmavathy, Grade I Police Constable, alleging that the petitioner, in a drunken mood, has misbehaved with her, which resulted in registration of the case by the Salem Steel Plant Police Station in Crime No.175 of 1995 under Sections 341, 354 IPC and Section 4 (1)(i) of Tamil Nadu Prohibition Act. The petitioner was initially placed under suspension on 01.03.1995 and subsequently, he was issued with a charge memo in P.R.No.113 of 1999.

3.The fourth respondent has passed the order on 12.11.1991 stating among other things that he agreed with the finding reached by the enquiry officer and awarded the punishment of reduction in time scale of pay by one stage for one year without cumulative effect and the said order will be taken up for revision soon after the disposal of the criminal case instituted against the petitioner and the period of suspension is to be treated as eligible leave including extraordinary leave, if necessary. The criminal case instituted against the petitioner has culminated in a charge sheet, which was taken on file in C.C.No.108 of 1997 by the Court of Judicial Magistrate No.I, Salem and the said Court, after full fledged trial, has honourably acquitted the petitioner vide order dated 20.11.2003. The petitioner, armed with the said order of acquittal, has submitted a representation dated 08.01.2014 to the third respondent for reviewing the order of punishment in the light of the order of acquittal rendered by the Trial Court and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's representation dated 08.01.2014 on merits and in accordance with law, after taking note of the order of acquittal dated 20.11.2003 made in C.C.No.108 of 1997 on the file of the Court of Judicial Magistrate No.I, Salem and pass orders 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. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(J)
dt:12/10/2015

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
District Police Office, Salem,
Salem District.

2.The District Superintendent
of Police,
Dharmapuri District Police Office,
Dharmapuri District.

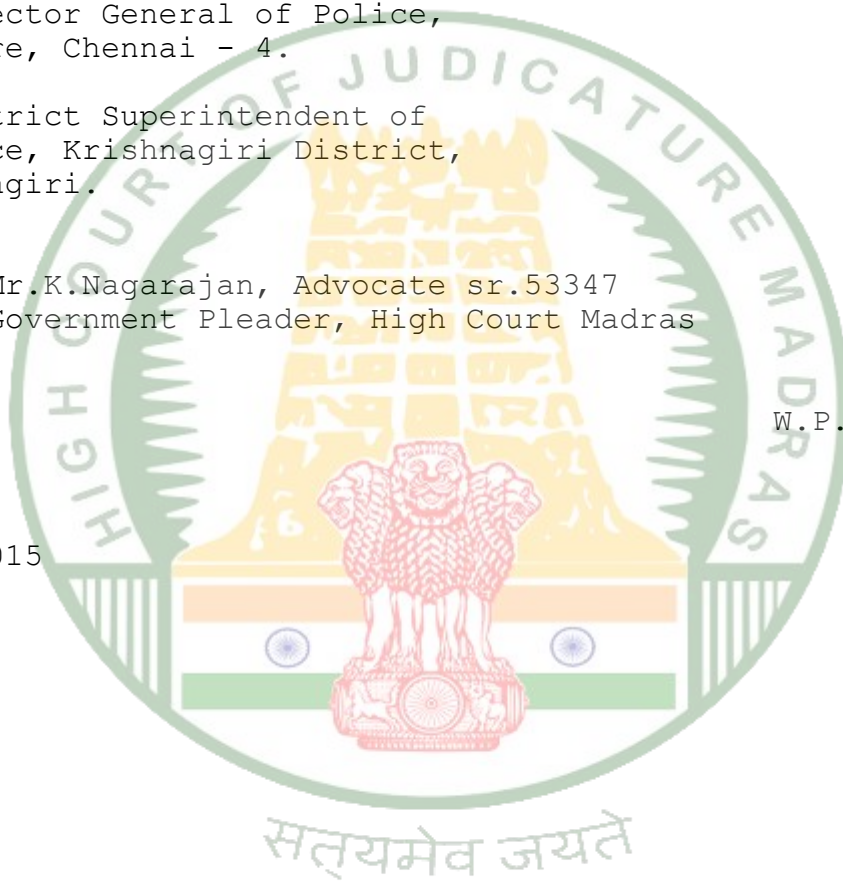
3.The Director General of Police,
Mylapore, Chennai - 4.

4.The District Superintendent of
Police, Krishnagiri District,
Krishnagiri.

+1 cc to Mr.K.Nagarajan, Advocate sr.53347
+1 cc to Government Pleader, High Court Madras
sr.53727

W.P.No.31004 of 2015

bvr (co)
aa13/10/2015



WEB COPY