

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.33593 of 2015

J.J.Nasar

...Petitioner

Vs.

1. The Deputy Inspector General of Police,
Ramanathapuram Range, Ramanathapuram.

2. The Director General of Police,
Law & Order,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.

...Respondents

Petition under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the respondents to review the order of suspension passed by the 1st respondent passed by him in C.No.B1/150/2014 RO No.03/2014 dt. 8.1.14 in the light of the representation made by the petitioner dated 07.09.2015 within a reasonable time.

For Petitioner : Mr.K.Venkataramani, S.C.
for Mr.M.Muthappan

For Respondents : Mr.S.Gunasekaran, G.A.

सत्यमेव जयते
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, Poovanthi Circle, Sivagangai District, is said to have demanded and accepted illegal gratification of Rs.10,000/- from the complainant for closing the complaint in Cr.No.188 of 2013 and hence, a criminal complaint in Cr.No.01 of 2014 was registered

by the Vigilance and Anti-Corruption, Sivagangai for the commission of offence under Section 7 and 13(1)(d) read with 13 (2) of the Prevention of Corruption Act, 1988. Thereafter, the petitioner was arrested on 06.01.2014 and remanded to judicial custody on the same day. Since his period of incarceration exceeded 48 hours, he was placed under deemed suspension by the first respondent vide order dated 08.02.2014. The petitioner, aggrieved by the prolonged suspension, submitted a representation dated 23.2.2015 to the respondent and also yet another representation dated 07.09.2015 to the Director General of Police. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that in the light of the judgment of the Honourable Supreme Court of India reported in reported in [2015] 3 CTS 119 SC [Ajay Kumar Choudhary Vs. Union of India and others], the Personnel and Administrative Reforms (N) Department, issued instructions in letter No.13519/N/2015-1 dated 23.07.2015 for reviewing the order of suspension and hence prays for appropriate orders.

4. Per contra, Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents would submit that admittedly the period of incarceration of the petitioner exceeded 48 hours and therefore, he was rightly placed under suspension and the allegations are also very serious in nature for the reason that he had demanded and accepted illegal gratification of Rs.10,000/- for closing the complaint in Criminal Case, which is pending on the file of the said Police Station and prays for dismissal of the Writ Petition.

5. Though the petitioner has 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 respondents 1 and 2 to consider the representations of the petitioner dated 23.02.2015 and 07.09.2015 respectively after taking into consideration the judgment of the Honourable Supreme Court of India reported in [2015] 3 CTS 119 SC [Ajay Kumar Choudhary Vs. Union of India and others] and the instructions issued by the Personnel and Administrative Reforms (N) Department in letter No.13519/N/2015-1 dated 23.07.2015 and pass orders on merits and in accordance with law within a period of eight 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.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.
2. The Director General of Police,
Law & Order,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 4.

1 CC to Mr.M.Muthappan, Advocate SR.No. 57683

1 CC to the Government Pleader, SR.No. 57733

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KK (CO)
PSI (04.11.2015)

सत्यमेव जयते

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