



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 23.06.2015

CORAM
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

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Writ Petition (MD) No.10223 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

M.Saravanan

... Petitioner

Vs

The Superintendent of Police,
Theni District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned charge memo of the respondent in Na.Ka.No.F.1/Tha.Pa.14/2015 Rule 3(b), dated 3.3.2015, quash the same.

For Petitioner

...

Mr.K.Appadurai

For Respondent

...

Mr.S.Kumar, AGP

O R D E R

This Writ Petition has been filed, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned charge memo of the respondent in Na.Ka.No.F.1/Tha.Pa.14/2015 Rule 3(b), dated 3.3.2015 and quash the same.

2. By consent of both parties, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that he joined the service on 01.12.2003, as Police Constable, in the Police Department and subsequently, he was promoted as Grade-I Police Constable and now he is working at Periyakulam Police Station. Due to pathway dispute, there was complaint and counter complaint, in which, a case in Crime No.513 of 2014, has been registered against the petitioner. Pursuant to which, the respondent has issued the impugned charge memo in proceedings Na.ka.No.F1/Tha.pa.14/2015, dated 3.3.2015, under Rule 3(b) of the Tamil Nadu Police Service (Discipline & Appeal) Rules 1955, for initiation of disciplinary proceedings against the petitioner. The charge against the petitioner is that after taking two days



temporary leave, he involved in a criminal case, which caused ill-repute to the Police Department and he was asked to submit explanation within 15 days. Petitioner gave representation on 28.03.2015 in person to the respondent and the respondent has appointed an enquiry officer, to conduct enquiry.

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4. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5. The issue viz., criminal proceedings and the departmental proceedings cannot go on simultaneously cannot be accepted. The departmental enquiry should be conducted on day-to-day basis.

6. In this case, the criminal proceedings are pending before the trial Court and the charge memo has been issued on 03.03.2015 and hence, I find no reason to stall the proceedings. The respondent is directed to commence and complete the enquiry, as expeditiously as possible, preferably, within a period of one year from the date of receipt of a copy of this order. The enquiry shall not be adjourned beyond two working days at any point of time.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/
ASSISTANT REGISTRAR (T&P)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

mpk

To

The Superintendent of Police,
Theni District.

+ 1 CC to Mr. K. Appadurai, ADV SR.No.32979

+ 1 CC to Spl. Govt. Pleader SR.No.33260

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23/6/2015