

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 28.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.No.16237 of 2016
and
W.M.P.Nos.14026 and 14027 of 2016

D.Jayakumar

...Petitioner

Versus

1.The Director General of Police,
Tamilnadu, Chennai 600 004.

2.The Joint Commissioner of Police,
North Zone, Chennai City Police,
Chennai 600 011.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records to the orders in (1) Rc.No.39/2327/PR.N (2)/2011 (N.Z.O.Order No.82/2011) dated 07.02.2011 of the second respondent and (2) C.No.89/SC1/2011 dated 27.03.2014 of the first respondent, to quash the same and to issue consequential directions to reinstate the petitioner in service with all consequential benefits.

For Petitioner :: Mr.M.Ravi

For Respondents :: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The petitioner D.Jayakumar has filed this writ petition for issuance of a writ of certiorarified mandamus to quash the orders in (1) Rc.No.39/2327/PR.N(2)/2011 (N.Z.O.Order No.82/2011) dated 07.02.2011 of the second respondent and (2) C.No.89/SC1/2011 dated 27.03.2014 of the first respondent and to issue consequential directions to reinstate the petitioner in service with all consequential benefits.

2.The petitioner was placed under suspension by the Commissioner of Police, North Zone, Chennai by order dated 07.02.2011 on the ground that the enquiry is contemplated in respect of a criminal case filed by one Premkumar mentioning that he was demanding bribe of Rs.1500/- from him and subsequently, the Vigilance and Anti Corruption registered a case against him in Crime No. 02/AC/11/CC.I. In this connection, the petitioner was arrested by the police personnel for the Vigilance and Anti Corruption, Chennai I unit. Pursuant to that, he was placed under suspension. The petitioner gave his representation seeking revocation of suspension. Aggrieved by the order of suspension, the petitioner filed a writ petition in W.P.No.2190 of 2014 and this court by order dated 27.01.2014, directed the Director General of Police, Chennai-4 to consider the representation dated 21.02.2011 and pass appropriate orders. Pursuant to that the impugned order has been passed and the same has been challenged in this writ petition.

3.Learned counsel for the petitioner would submit that in view of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary vs. Union of India through its Secretary & ANR in Civil Appeal No.1912 of 2015 dated 16.02.2015 (2015 (7) SCC 291), the impugned order of suspension could be revoked. It is contended by the learned counsel for the petitioner that the petitioner is placed under suspension on the ground that enquiry is contemplated and that till date no charge memo has been issued to initiate the departmental proceedings. Further, he has made a representation dated 10.10.2015 to the first respondent to consider his claim of revocation of suspension.

3.Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the respondents.

4.Considering the fact that the petitioner has been placed under prolonged suspension from 05.02.2011, the first respondent shall consider and pass orders in the light of the judgment stated supra and the Government letter No.13519/N/2015-1 dated 23.07.2015, on merits and in accordance with law, within a period of three weeks thereafter. With the above direction, the writ petition is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vri

To

1.The Director General of Police,
Tamilnadu, Chennai 600 004.

2.The Joint Commissioner of Police,
North Zone, Chennai City Police,
Chennai 600 011.

+1cc to Mr.M.Ravi, Advocate, S.R.No.27266

+1cc to the Government Pleader, S.R.No.27395

KS(CO)
EU(19/05/2016)

W.P.No.16237 of 2016



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