

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 28.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.No.16238 of 2016
and
W.M.P.Nos.14028 and 14029 of 2016

M.Kalaiselvi

...Petitioner

Versus

1.The Commissioner of Police,
Greater Chennai Police,
Chennai 600 010.

2.The Joint Commissioner of Police,
South Zone, Greater Chennai Police,
Chennai 600 016.

...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 of the second respondent in (1) Rc.No.PR.S(1)408/50782/2013 (S.Z.O.No.667/2013) dated 12.11.2013 (2) Endt No.PR.S(1)/408/50782/2013 dated 23.12.2014, to quash the same and to issue consequential directions to reinstate the petitioner in service with all consequential benefits and monetary benefits.

For Petitioner :: Mr.M.Ravi

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

O R D E R

The petitioner M.Kalaiselvi has filed this writ petition for issuance of a writ of certiorarified mandamus to quash the orders of the second respondent in (1) Rc.No.PR.S(1) 408/50782/2013 (S.Z.O.No.667/2013) dated 12.11.2013 (2) Endt No.PR.S(1)/408/50782/2013 dated 23.12.2014, and to issue consequential directions to reinstate the petitioner in service with all consequential benefits and monetary benefits.

2.The petitioner was placed under suspension by the Commissioner of Police, South Zone, Chennai by order dated 12.11.2013 on the ground that the enquiry is contemplated in respect of illegal gratification under the Prevention of Corruption Act, 1988 and subsequently, the Vigilance and Anti Corruption registered a case against him in Crime No. 11/AC/2013/CC-I. In this connection, the petitioner was arrested. 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.25699 of 2014 and this court by order dated 22.09.2014, directed the respondent therein to consider the representation of the petitioner for revocation and pass appropriate orders. Pursuant to that, the impugned order has been passed stating that the criminal case is still pending 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 prolonged suspension on the ground that enquiry is contemplated. Further, he has made several representations to consider her claim of revocation of suspension.

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

5.Considering the fact that the petitioner has been placed under prolonged suspension from 12.11.2013, 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(VI)

//True Copy//

Sub Assistant Registrar

vri

To

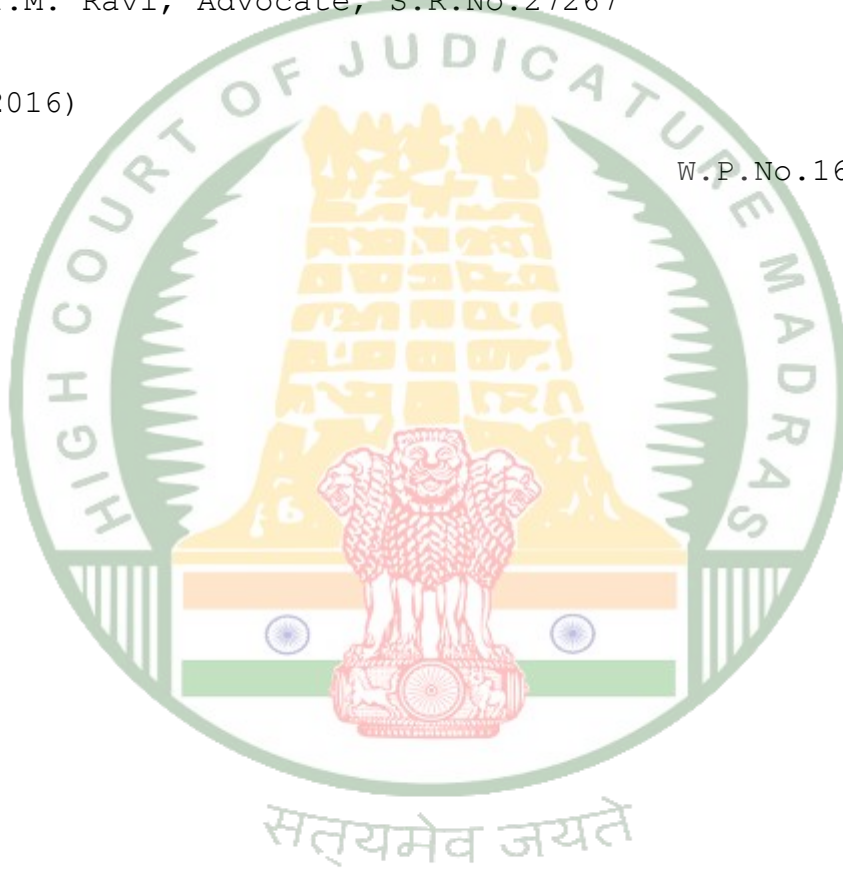
1.The Commissioner of Police,
Greater Chennai Police, Chennai 600 010.

2.The Joint Commissioner of Police,
South Zone, Greater Chennai Police,
Chennai 600 016.

+lcc to Mr.M. Ravi, Advocate, S.R.No.27267

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

W.P.No.16238 of 2016



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