

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.26612 of 2016
& W.M.P.Nos.22799 & 22800 of 2016

G.Srinivasan .. Petitioner

Vs.

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

2.The Additional Superintendent of Police,
Head Quarters, Tiruvannamalai District.

2.Tr.M.Rangaraj,
Additional Superintendent of Police,
Head Quarters,
Tiruvannamalai District. .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in connection with the impugned order passed in C.No.118/ADSP/HQ/TVM/2015 dated 31.05.2016 and quash the same and consequently direct the respondents 1 and 2 to keep the disciplinary proceedings initiated by the first respondent in PR.No.78/2015 dated 04.11.2015 in abeyance and grant such other further relief as this Court may deem fit in the circumstances of the case.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.V.Dhanapal
Additional Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in connection with the impugned order dated 31.05.2016 and quash the same and consequently direct the

respondents 1 and 2 to keep the disciplinary proceedings initiated by the first respondent dated 04.11.2015.

2.The petitioner joined service as Sub-Inspector of Police in category-II on 28.09.1987 and transferred to category-I on 01.06.1997 and he was promoted as Inspector of Police, Category-I on 01.08.2000. Based on certain allegations, he was suspended from service vide order dated 31.08.2014. Thereafter, the petitioner filed Writ Petition in W.P.No.28280 of 2014 challenging the order of suspension and the same was disposed of on 13.10.2014 directing the respondents to dispose of his representation. However, the petitioner was not allowed to retire from service on 30.06.2015 stating that he is facing a criminal case and the first respondent issued with a charge memo dated 04.11.2015 and the petitioner submitted his detailed representation on 04.04.2016. In the meanwhile, the second respondent issued with the impugned order dated 31.05.2016. The petitioner has got no other alternative except to approach this Court to quash the impugned order dated 31.05.2016 and hence, the Writ Petition has been filed.

3.Mr.M.Muthappan, learned counsel for the petitioner would submit that the petitioner has submitted his reply stating that he could not participate in the enquiry, in view of the fact that he received the order only on 26.06.2016. In the meanwhile, on 24.06.2016, one witness has been examined by the Enquiry Officer in the absence of the petitioner. He would further contend that the petitioner may be permitted to cross examine the witnesses and continue to participate in the enquiry proceedings.

4.Mr.K.V.Dhanapal, learned Additional Government Pleader for the respondents would submit that the principles of natural justice would be duly followed.

5.Considering the facts and circumstances of the case, this Court, directs the second respondent to fix an early date for enquiry and on that day, the petitioner will appear without fail and he may be permitted to recall the witnesses on the same day itself and the petitioner will co-operate with the enquiry, since he is already retired from service. The second respondent will pass appropriate orders, on merits and in accordance with law, within a period of four months thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly.
Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Deputy Inspector General of Police,
Vellore Range, Vellore.
- 2.The Additional Superintendent of Police,
Head Quarters, Tiruvannamalai District.

1 cc to M/s.M.Muthappan, Advocate, sr.45021

1 cc to Government Pleader, sr.44866

ad co
kra 29.08.2016

W.P. No.26612 of 2016

सत्यमेव जयते

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