

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HON'BLE MR JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Appeal Nos.1414 and 1415 of 2016
and
C.M.P.Nos.18052 to 18055 of 2016

1. The Director General of Police
Tamil Nadu, Kamarajar Salai
Chennai-600 004.
2. The Additional Director General of Police
(Administration)
O/o.The Director General of Police
Kamarajar Salai,
Chennai-600 004. ... Appellants in WA.1414/2016
1. Government of Tamil Nadu
Rep. By Principal Secretary to Government
Home (SC) Department
Secretariat, Chennai-600 009
2. The Director General of Police
Tamil Nadu, Kamarajar Salai
Chennai-600 004
3. The Additional Director General of Police (Admin)
O/o The Director General of Police
Kamarajar Salai, Chennai-600 004
4. Thiru Abhay Kumar Singh IPS
Inspector General of Police
Southern Zone, Madurai. ... Appellants/Respondents
in WA.1415/2016

Vs

M.Manohar ... Respondent in both Writ Appeals

Writ Appeals filed against the order dated 01.06.2016 made in
W.P.No.3990 of 2014 and W.P.No.3510 of 2015.

W.P.No.3990 of 2014 : Writ of Certiorari calling for the records on the file of the Second Respondent herein in P.R.C.No.16/2013 dated 28.09.2013, signed on 10.10.2013 and quash the same.

W.P.No.3510 of 2015 : Writ of Certiorari, calling for the records on the file of the First Respondent herein in G.O.Ms.No.901, Home (SC) Department, dated 03.12.2014, and Lr.No.HSC.5/877-5/2014, Home (SC) Department dated 29.01.2015, the impugned Order passed by the Second Respondent in R.C.No.con.II(1) 175401/13, dated 03.02.2015 and quash the same.

For Appellants : Mr.K.Venkataramani,
in both WAS Additional Advocate General
Asst by Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For Respondent : Mr.M.Ravi in both the Writ Appeals

COMMON JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

These Writ Appeals are filed at the instance of the State, as against the order of the learned Single Judge, dated 01.06.2016 made in W.P.No.3990 of 2014 and W.P.No.3510 of 2015.

2. We have perused the order dated 01.06.2016 passed by the learned Single Judge.

3. The subject matter in the Writ Petitions pertaining to the legality of the charge memo dated 28.09.2013 issued to the respondent herein/writ petitioner and the appointment of the Inquiry Officer, vide G.O.Ms.No.901, Home (SC) Department dated 03.12.2014, passed by the Principal Secretary to Government, are all aftermath the incident dated 29.12.2008. Thiru.R.Samy, Ex-MLA of AIADMK party-Melur Constituency, has submitted a letter dated 24.07.2013 to the Director General of Police, praying for initiating appropriate action against the respondent herein, who was the then Superintendent of Police, Madurai District, and other police officials. Thereafter, disciplinary proceedings has been initiated against the respondent herein. However, as pointed out by the learned Single Judge, the timing of the disciplinary proceedings initiated against the respondent is most important for the reason that at that time he was already selected for appointment to Indian Police Service and inclusion of his name in the panel for promotion to Indian Police Service is subject to Disciplinary Proceedings. The State, had obtained legal opinion and passed two Government Orders, based on which petitions were filed before the Court of Judicial Magistrate,

Thirumangalam, who permitted them to withdraw the prosecution. However, Thiru.R.Samy, Ex-MLA of Melur constituency, filed a private complaint, which taken cognizance and committed to the Principal Sessions Court, which took it on file of Spl.SC.No.1/2011. The fact remains is that the Hon'ble Supreme Court, in this matter, granted stay of further proceedings in the private complaint in Spl.SC.No.1/2011.

4. On the above observation, the learned single Judge allowed the Writ Petitions and thereby quashed the proceedings pending against the respondent herein.

5. Ultimately, it appears that it was a matter of prestige between the two parties, viz., the complainant and the respondent herein. Both Thiru.R.Samy, Ex-MLA, Melur Constituency and Mr.M.Manohar, Superintendent of Police, Coastal Security Group, Nagapattinam, are called before this court. After explaining the factual situation, Thiru.R.Samy, Ex-MLA, Melur constituency, understood the implications of the complaint and being convinced on the present scenario, submitted that he is not inclined to contest and precipitate the matter further.

6. In these circumstances, the Writ Appeals, filed by the State, on various grounds is found to be not tenable. The appeals are dismissed as devoid of merits. The Government [Home (SC) Department], is instructed to issue No Objection Certificate on the issue, within 15 days from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

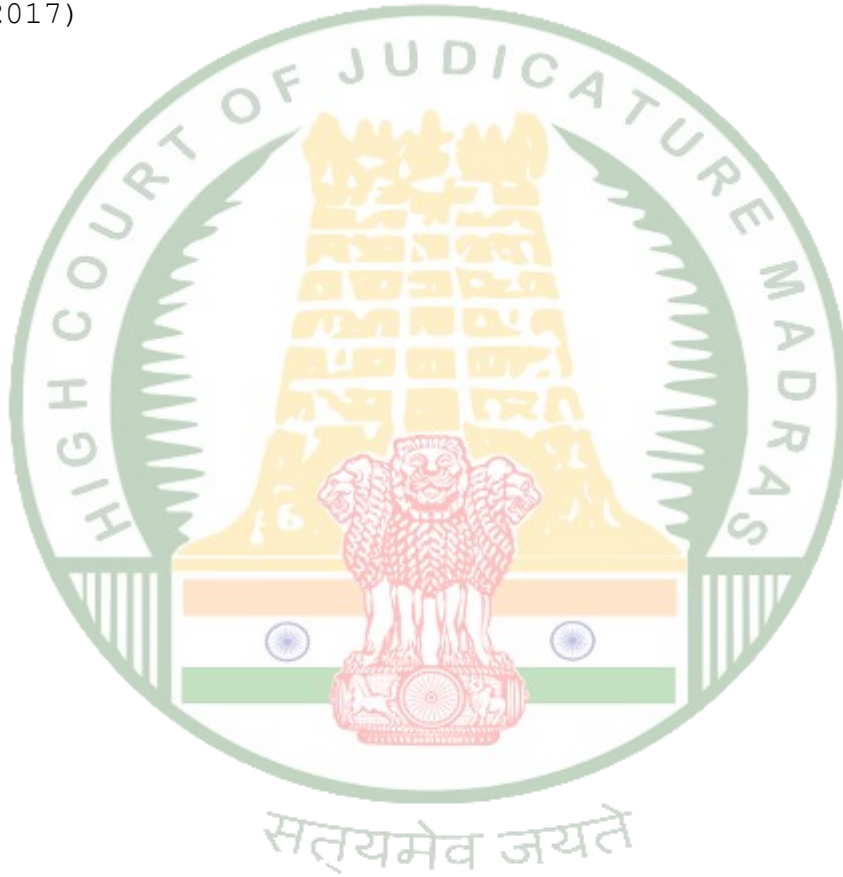
1. The Director General of Police
Tamil Nadu, Kamarajar Salai
Chennai-600 004.
2. The Additional Director General of Police
(Administration)
O/o.The Director General of Police
Kamarajar Salai,
Chennai-600 004.

3. The Principal Secretary to Government
Home (SC) Department
Secretariat, Chennai-600 009.

+1cc to Mr.M.Ravi, Advocate, S.R.No.71101
+1cc to the Government Pleader, S.R.No.71247

Writ Appeal Nos.1414 and 1415 of 2016

RV(CO)
CA(02/01/2017)



WEB COPY