

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37561 of 2016 and
WMP.No.32187 of 2016

P.Sabapathy

... Petitioner

vs.

1.The Superintendent of Police,
Cuddalore District, Cuddalore.

2.The Deputy Superintendent of Police,
Cuddalore District, Cuddalore.

3.The Inspector of Police,
Vigilance and Anti Corruption,
Cuddalore, Cuddalore District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the impugned Suspension Order in D.O.649/2015 C.No.D2/27700/2015 dated 04.08.2015 passed by the 1st respondent herein and quash the same as illegal and consequently, direct the respondents to reinstate the petitioner into service.

For Petitioner : Mr.K.Gandhikumar

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition, challenging the impugned Suspension Order in D.O.649/2015 C.No.D2/27700/2015, dated 04.08.2015 passed by the 1st respondent herein and quash the same as illegal and consequently, direct the respondents to reinstate the petitioner into service.

3. The case of the petitioner is that he entered into service on 24.05.1999 as Grade II Police Constable and thereafter, promoted as Grade I Police Constable in the year 2009 and subsequently, he was promoted as Head Constable in the year 2014. While he was working in P.E.W. Wing Unit, Virudhachalam, a case was registered against him by the Vigilance and Anti Corruption, Cuddalore Unit in Cr.No.11 of 2015 under Section 7 of the Prevention of Corruption Act, 1988 on 03.08.2015. Based on the same, he was arrested and remanded to judicial custody. Thereafter, the 3rd respondent without proper enquiry altered the case into one under Sections 7 and 13(1)(d) of IPC and Section 3(i) (xv) of SC and ST (POA) Act, 1989 and under Sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988. Thereafter, he was released on bail on 07.09.2015 for the alleged offences under Sections 7 and 13(1)(d) r/w.13(2) of the Prevention of Corruption Act, 1988. According to the petitioner, the alleged occurrence had taken place on 03.08.2015 whereas the said alteration report was filed on 10.08.2015 and the same was not brought to the notice off the Court while granting bail on 07.09.2015. Aggrieved over the same, the petitioner and others filed a quash petition in CrI.O.P.No.5798/2016 and the same was allowed by this Court on 22.07.2016. In the meantime, the 1st respondent served a suspension order. The petitioner gave a representation to the 1st respondent in person on 16.12.2015, requesting to revoke the suspension order dated 04.08.2015. Till date, the said suspension order was not revoked. Hence, the present Writ Petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Though the Writ Petition has been filed seeking a larger relief for quashing the suspension order, at the time of making submissions, the learned Counsel for the petitioner would submit that it is suffice, if a direction is issued to the 1st respondent to consider the representation of the petitioner dated 16.12.2015.

6. In view of the above, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this Order to the 1st respondent and on receipt of the same, the 1st respondent shall pass appropriate orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly, No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 2.The Deputy Superintendent of Police,
Cuddalore District, Cuddalore.
- 3.The Inspector of Police,
Vigilance and Anti Corruption,
Cuddalore, Cuddalore District.

+1cc to M/S.K.Gandhi Kumar, Advocate sr.61271

W.P.No.37561 of 2016

rsi[col]
srg 16/11/2016

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