

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43958 of 2016

M.Sivagurunathan

.. Petitioner

-vs-

The Superintendent of Police (Railways)
Railway Police Office
Egmore, Chennai 600 008

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records of the respondent herein in his proceedings No.C.No.F1/9460/2016 D.O.No.379/2016 dated 19.11.2016, quash the same.

For Petitioner :: Mr.G.Purushothaman

For Respondent :: Mr.P.Senthilvel
Additional Government Pleader

ORDER

This writ petition has been filed questioning the impugned proceedings issued by the Superintendent of Police (Railways), Egmore, Chennai placing the petitioner under suspension under Rule 3(e)(1)(i) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules 1955, with immediate effect until further orders. The impugned proceedings also show that he would be paid with the subsistence grant and other allowances admissible under F.R.53(i).

2. Learned counsel for the petitioner submitted that when the petitioner was appointed as a Police Constable Grade II in the Tamil Nadu Special Police during 1993, throughout his 24 years of service, he has not suffered any adverse remarks. Since at no point of time he was issued with any memo, all of a sudden, entertaining one frivolous and false complaint from one Mr.P.Madhanagopal alleging that a sum of Rs.1,00,000/- was received by one film production company, in which the petitioner was also mentioned as a Director cum co-producer for introducing the complainant's son as a hero in a Tamil film and when the said complainant sought for return of the money, he was

threatened with dire consequences, the present impugned suspension order has been issued. Although both the complainant and Mr.K.G.Varadharaj, who is owning the film production company, had entered into an amicable settlement and settled the issues before K6 T.P.Chatram Police Station, ignoring the same, all of a sudden the petitioner has been placed under suspension. Therefore the suspension order causing grave prejudice to the petitioner for no wrong committed by him is liable to be interfered with.

3. This Court is not inclined to entertain the writ petition. Firstly, the affidavit filed by the petitioner shows that out of Rs.1,00,000/- received from the de-facto complainant, only Rs.50,000/- has been paid back for entering into the settlement. Secondly, no basis has been shown in the suspension order dated 19.11.2016 for placing the petitioner under suspension. Thirdly, the petitioner has not given any explanation with a request to review/recall the suspension order. Therefore, it is for the petitioner to submit his explanation if called for and till then, he cannot approach this Court. Hence the writ petition is dismissed. Consequently, W.M.P.No.37786 of 2016 is also dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Superintendent of Police (Railways)
Railway Police Office
Egmore
Chennai 600 008

+1 cc to M/s.G.Purushothaman Advocate sr 76342
+1 cc to the Government Pleader sr 76272

W.P.No.43958 of 2016

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