



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.16057 of 2016

and

W.M.P. (MD) .Nos.11739 and 11740 of 2016

S.Palaniappan

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Ramanathapuram.

2. The Assistant Superintendent of Police,
District Police Office,
Ramanathapuram.

... Respondents

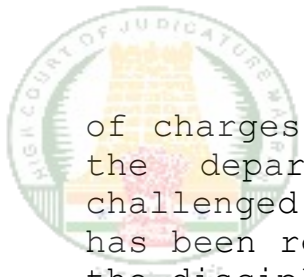
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to defer/stall the departmental proceedings against the petitioner relating to the Charge Memo No.C.No.F1/P.R.No.148/2015, dated 27.11.2015 issued by the first respondent till the outcome of the criminal case in C.C.No.144 of 2015 on the file of Judicial Magistrate, Theni which is pending against him.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mrs.S.Bharathi
Government Advocate

O R D E R

The petitioner S.Palaniappan while serving as a Junior Assistant, was slapped with a charge under Rule 3(b) of the Tamil Nadu Police Service (Discipline and Appeal) Rules. Finally, the Enquiry Officer completed the enquiry and submitted his report on 18.07.2016. Thereafter, a copy also has been furnished to the petitioner calling upon him to submit his explanation. The petitioner also has submitted his written explanation to the Enquiry Officer on 18.08.2016. At this stage, citing a reason that a criminal case is pending in Crime No.24 of 2015 on the same set



of charges, the petitioner has come to this Court seeking stay of the departmental proceedings. When the petitioner has not challenged the charge memo for the reason that the charge sheet has been recently filed, this Court cannot step into the domain of the disciplinary authority for two reasons.

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2. Firstly, the apprehension made by the petitioner is that passing of final order by the disciplinary authority will influence the mind of the criminal Court is far from acceptance. The reason is, even today, the Department is entitled to place a copy of the report submitted by the Enquiry Officer dated 18.07.2016, for taking cognizance of the criminal Court. Secondly, the petitioner has got a remedy by way of approaching the disciplinary authority to drop the charges by considering his explanation which he has already given. Therefore, it is for the disciplinary authority to pass final order either in favour of the petitioner or against him. At this stage, this Court is not inclined to grant the relief as sought for by the petitioner. Therefore, this writ petition fails and it is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Police Office,
Ramanathapuram.
2. The Assistant Superintendent of Police,
District Police Office,
Ramanathapuram.

+ 1 CC TO Mr.R.SURIYANARAYANAN, ADVOCATE IN SR No. 47637
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 47724

AKV

TE/DB : 23/09/2016 : 2P/5C

W.P. (MD) No.16057 of 2016
and