



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18714 of 2016

and

W.M.P (MD) Nos.13536 and 13537 of 2016

Nagendran

... Petitioner

vs.

The District Superintendent of Police,
Madurai District,
Madurai.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records of the impugned order vide C.No.F2/30353/289/2016-D.O.No.826/2016 dated 01.08.2016 passed by the respondent and quashing the same.

For Petitioner : Mr.R.Murugappan
For Respondent : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

Challenging the order of suspension passed by the respondent in C.No.F2/30353/289/2016-D.O.No.826/2016 dated 01.08.2016, this writ petition has been filed.

2.It is the grievance of the petitioner he has been placed under suspension on the face of impending criminal cases (2) in respect of which, the occurrence is stated to have taken place about three years prior to the registration of the First Information Reports and therefore, the order of suspension is liable to be quashed.

3.The learned Additional Government Pleader appearing for the respondent would submit that it is the statutory right of the respondent to place the petitioner under suspension, when criminal



cases have been registered against him.

4. At this juncture, the learned counsel for the petitioner has prayed this Court that a direction may be issued to the respondent to consider the representation of the petitioner dated 17.08.2016, wherein, the petitioner has sought for revocation of suspension citing financial constraints and that he is not able to meet out the expenses of his son's Heart surgery, due to suspension.

5. When the enquiry is pending in respect of the departmental proceedings initiated against the petitioner, it may not be appropriate for this Court to express any opinion on the merits of the matter and therefore, without expressing any opinion on the merits of the matter, the respondent is directed to consider the representation of the petitioner dated 17.08.2016 in the light of the reasons for revocation stated therein, and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.13536 and 13537 of 2016 are closed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

The District Superintendent of Police,
Madurai District,
Madurai.

+1 cc to M/s.R.Murugappan, Advocate in SR.NO.57384/16
+1 cc to The Special Government Pleader in SR.No. 57916

nbi

CSL/EM-MPA/21.10.2016: 2p/4c

W.P(MD)No.18714 of 2016
30.09.2016