



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

W.A.(MD).No.705 of 2013

and

M.P.Nos.1 and 2 of 2013

V.Shanmugaraj

: Appellant

Vs.

The Deputy Superintendent of Police,
Cheranmahadevi - 627 414.
Tirunelveli District.

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 22.04.2013 made in W.P.(MD).No.2230 of 2013 on the file of this Court.

Prayer in WP(MD). 2230/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 25.1.2013 passed in PR.No.98/2012 U/r 3(b) TNPSS (D & A) Rules 1955, on the file of the respondent herein, and to quash the same and forbear the respondent to proceed with the Departmental Proceedings as against the petitioner under charge Memo in Ta.Pa.No.98/2012 on his file, until the conclusion of the trial concerned in Crime No.162/12 on the file of the Surandal Police Station.

For Appellant : Mr.S.Subbiah

For Respondent : Mr.D.Muruganandam,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble The Chief Justice]

The grievance of the appellant is that since the trial in the criminal proceedings was going on, the disciplinary proceedings should not be commenced, which request was rejected by the respondent. The endeavour of the appellant to assail that order before the learned Single Judge was unsuccessful and thus, the appellant has assailed the order of the learned Single Judge, dated 22.04.2013.

2. By the interim order dated 14.08.2013, stay was granted as prayed for by the appellant, with the suspension continuing and subsistence allowance and dearness allowance being paid to the appellant.



3. Now, we are informed that the trial is completed and the matter is listed for final hearing before the trial Court on 28.06.2016.

4. The aforesaid circumstances, thus, show that insofar as the defence of the appellant is concerned, the criminal proceedings stands already closed and thus, no prejudice would be caused in that behalf. We are, thus, of the view that no purpose would be served by keeping the disciplinary proceedings in abeyance now, but no final order should be passed by the respondent till the judgment is rendered by the trial Court. We, however, hasten to add that this does not amount to a direction to the respondent to commence the disciplinary proceedings, but they would have an option to do so, if they so desire, or await the finalization of the criminal proceedings by the trial Court.

5. The writ appeal stands disposed of, leaving the parties to bear their own costs. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To
The Deputy Superintendent of Police,
Cheranmahadevi - 627 414.
Tirunelveli District.

+1CC to the Special Government Pleader, SR.No. 29659

JUDGMENT MADE IN
W.A. (MD) .No. 705 of 2013
and
M.P.Nos.1 and 2 of 2013
09.06.2016

AM/SK.SKN/21.06.2016/2P/3C