

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6242 of 2017

T.Panneerselvam

.. Petitioner

-vs-

1. The Additional Director General of Police (AP)
Office of the Additional Director General of Police
Kilpauk, Chennai-10
2. The Inspector General of Police, Armed Police
Office of the IG of Police
Kilpauk, Chennai-10
3. Deputy Inspector General of Police, Armed Police
Office of the DIG of Police
Kilpauk, Chennai-10 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records and quashing the impugned order daetd 3.3.2017 passed by the third respondent vide Rc.No.C1/11945/2016 in pursuance of the order of suspension dated 30.6.2016 of the third respondent vide his proceedings C.No.C1/11945/2016 suspending the petitioner from his services in the post of Inspector of Police, TSP, XV Battalion, Vellore District and consequently direct the third respondent to reinstate the petitioner into service with attendant benefits.

For Petitioner सत्यमेव जयते ::Mr.K.Ravi Anantha Padmanaban

For Respondents ::Mr.K.Rajendraprasad
Government Advocate

ORDER

The petitioner was placed under suspension with effect from 30.6.2016 vide proceedings in Rc.No.C1/11945/2016 passed by the Deputy Inspector General of Police, Armed Police, Chennai, the third respondent herein for having demanded and accepted an illegal gratification of Rs.2,000/- for sanction of leave to one Mr.Thirumurthi, Police Constable attached to TSP, XV Battalion, Vellore. Since there was a complaint, Vigilance and Anti-Corruption, Vellore had registered a case in Crime No.7 of 2016 for an offence under Sections 7 and 13(2) read with 13(1)

(d) of the Prevention of Corruption Act, 1988 against the petitioner, who was serving as Inspector of Police, TSP, XV Battalion, Sevoor, Vellore and he was arrested and remanded to judicial custody till 12.7.2016. After coming out on bail, he had presented petitions on 28.9.2016 and 18.10.2016 to the Deputy Inspector General of Police, Armed Police, Chennai and the Inspector General of Police, Armed Police, Chennai respectively for revocation of his suspension. But his request was rejected by the orders dated 4.10.2016 and 17.11.2016 respectively by the aforementioned authorities.

2. In the meanwhile, the petitioner's daughter's marriage was arranged to be held on 9.4.2017. Therefore, taking a stand that in the event of continuance of the suspension order, the petitioner and his daughter may experience some difficulty in the smooth conduct of the marriage, prayed for revocation of the suspension and finding no response, he came to this Court with W.P.No.42168 of 2016 challenging the suspension order dated 30.6.2016 passed by the Deputy Inspector General of Police, Armed Police, Chennai in Rc.No.C1/11945/2016, to quash the same with a consequential direction to the third respondent to reinstate him in service as Inspector of Police, Armed Police, TSP/Category-III with all monetary and attendant benefits.

3. This Court, considering the plight of the petitioner that he was placed under suspension from 30.6.2016 and during the currency of suspension, his daughter's marriage was finalized and the marriage also is going to be solemnized on 9.4.2017 and at the time of marriage, if he is also kept under suspension, the petitioner, his daughter and his family would experience embarrassment and would also cause some grave affront to both parties, accepting the case of the petitioner that his request to revoke the suspension order was not properly considered with a reasoned order, by order dated 23.1.2017, while setting aside the respective rejection orders dated 4.10.2016 and 17.11.2016 passed by the Deputy Inspector General of Police, Armed Police, Chennai and the Inspector General of Police, Armed Police, Chennai, the third and second respondents therein, permitted the petitioner to submit one more representation to the third respondent seeking review/revocation of the order of suspension dated 30.6.2016 on account of his daughter's marriage by enclosing a copy of the order passed by this Court as well as the marriage invitation card of his daughter within a period of two weeks. Pursuant thereto, the petitioner again made a representation on 2.3.2017 enclosing the marriage invitation card of his daughter as well as the order passed by this Court in W.P.No.42168 of 2016 dated 23.1.2017 seeking revocation of the suspension order. But again, by the present impugned order, his request for revocation of suspension was rejected.

4. Challenging the same, he has come to this Court with the present writ petition to set aside the suspension order on the ground that when the petitioner had won 206 cash rewards from the Department for his meritorious service, more particularly, in the month of January 2000, he was awarded with the Hon'ble Chief Minister's medal for having completed ten years of good service, the third respondent, while considering his representation seeking review/revocation of the suspension order, has not even considered his meritorious service with 206 cash rewards received from the respondent Department including the Hon'ble Chief Minister's medal conferred on him for having completed ten years of good service.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

6. A perusal of the impugned order also does not throw any light that the third respondent had taken into account the petitioner's meritorious service, namely, the 206 cash rewards received from the Department and also the Hon'ble Chief Minister's medal bestowed on him in the month of January, 2000 for having completed ten years of good service. Secondly, the second reason given in the impugned order that the petitioner's daughter's marriage scheduled to be held on 9.4.2017 cannot be accepted as a valid reason for considering the revocation of suspension, in my considered view, cannot be accepted. The reason is that when this Court vide order dated 23.1.2017 in W.P.No.42168 of 2016, while setting aside the rejection orders dated 4.10.2016 and 17.11.2016 passed by the third and second respondents therein, directed the petitioner to submit one more representation to the third respondent seeking review/revocation of the order of suspension dated 30.6.2016 on account of his daughter's marriage by enclosing a copy of the order passed by this Court as well as the marriage invitation card of his daughter within two weeks from the date of receipt of a copy of this order, in all probity, the third respondent could have considered the petitioner's request as a special case considering the fact that his daughter's marriage has been fixed on 9.4.2017.

7. Indeed, during the currency of suspension, the petitioner's daughter's marriage is to be held on 9.4.2017. If the petitioner stands as a suspended officer in a solemn family occasion, apart from him, his family members and his daughter as well as the in-laws would also experience grave embarrassment, which would in turn serve irreparable affront to both the families. Besides, if the groom's family comes to know that the petitioner was suspended from service after the marriage, that would not only create trouble, but also sometimes may end up in quarrel between the two families. Therefore, to avoid such an embarrassing situation, the third respondent could have taken a lenient view.

8. Secondly, as highlighted above, when the petitioner has received hundreds of rewards from the respondent Department for having kept his records clean including the Hon'ble Chief Minister's medal conferred on him in the month of January, 2000, this Court, as a special case, is inclined to set aside the impugned order along with the suspension order. Accordingly, the same are set aside. In view of the petitioner's daughter's marriage, which I could see from the marriage invitation enclosed along with the writ petition, the third respondent is hereby directed to revoke the suspension order and post him in any non-sensitive place. It is made clear that this case cannot be quoted as a precedent, since this order is passed purely taking into account the marriage of the petitioner's daughter. The writ petition stands allowed. Consequently, W.M.P.Nos.6733 & 6734 of 2017 are closed. No costs.

Sd/-

Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

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To

1. The Additional Director General of Police (AP)
Office of the Additional Director General of Police
Kilpauk, Chennai-10
2. The Inspector General of Police, Armed Police
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3. The Deputy Inspector General of Police, Armed Police
Office of the DIG of Police
Kilpauk, Chennai-10

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate sr.21153

+1cc to Government Pleader sr.21340

W.P.No.6242 of 2017

ss(13/4/2017)