

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No. 5289 of 2017
W.M.P.Nos.5603 & 5604 of 2017

K.Bharathi
wife of K.Annadurai

...Petitioner

Vs.

1. The Secretary to Government,
Home Department,
Fort St. George, Secretariat,
Chennai.
2. The Director General of Police,
Mylapore, Chennai 600004.
3. The Deputy Inspector General of Police,
Armed Police, Chennai.
4. The Commandant/Enquiry Officer,
Tamilnadu Special Police-III Battalion,
Veerapuram, Avadi, Chennai 600055.
5. K.Annadurai

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorified Mandamus, calling for the records pertaining to Rc.No.A2/8915/2016 in TSP I Bn. PR. 13/2014 u/r 3(b) dated 23.12.2016 passed by the 3rd respondent and quash the same and consequently direct CBCID or CBI to conduct fresh enquiry and conclude the same within the time frame.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.S.Gunasekaren (For R1 - R4)
Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is to quash the order dated 23rd December 2016 issued by the third respondent regarding conduct of a fresh enquiry against the writ petitioner

in the disciplinary proceedings initiated under the Discipline and Appeal Rules.

2. Learned counsel appearing for the writ petitioner contended that a criminal case was registered in Crime No.1/13, on the file of C.B.C.I.D. Headquarters under Sections 294(b), 417, 506(ii) IPC and 4 of Dowry Prohibition Act read with Section 3(1)(xii) of SC/ST Act, 1989. During the pendency of the criminal proceedings, the department has initiated disciplinary proceedings against the 5th respondent and the charges were framed on 18th August 2014. An Enquiry Officer was also appointed, thereafter, the 5th respondent filed W.P.(MD) No. 17116 of 2014 before the Madurai Bench of Madras High Court and the Court by its order dated 10th July 2015, has directed the authorities to complete the enquiry as early as possible within a period of six months from the date of receipt of a copy of this order.

3. Pursuant to the orders passed in the writ petition, an enquiry officer was appointed to proceed with the enquiry. The grievances of the writ petitioner is that instead of proceeding with the enquiry, the 3rd respondent has passed an order in Rc.No.A2/8915/2016 dated 23.12.2016 for conduct of denova enquiry.

4. The writ petitioner is of the opinion that one way or other the respondents are protracting the continuance of enquiry and the same is to be concluded at the earlier point of time to meet the ends of justice.

5. This Court, without expressing any opinion regarding the merit and demerit of this case, is of the view that the disciplinary proceedings initiated against a public servant have to be concluded within a reasonable time and a final order has to be passed.

6. In the case on hand, though the disciplinary proceedings are initiated, the same is continuing and during the middle of the enquiry, a fresh enquiry from the beginning is ordered to be conducted by way of the order impugned dated 23rd December 2016.

7. This Court is not inclined to consider the merits of the case nor the grounds on which a fresh enquiry is ordered. However, the enquiry commenced should reach its logical conclusion. In this view of the matter, the 1st to 4th respondents are directed to proceed with the enquiry and conclude the same as early as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

8. With this, the writ petition stands disposed of. However, there is no order as to costs.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

mayaya

To

1. The Secretary to Government,
Home Department,
Fort St. George, Secretariat,
Chennai.
2. The Director General of Police,
Mylapore, Chennai 600004.
3. The Deputy Inspector General of Police,
Armed Police, Chennai.
4. The Commandant/Enquiry Officer,
Tamilnadu Special Police-III Battalion,
Veerapuram, Avadi, Chennai 600055.

+1 CC to Mr.M. Gnanasekar, advocate sr 47425
+1 CC to Govt. Pleader sr 48099

W.P.No. 5289 of 2017

SP(25/07/2017)

सत्यमेव जयते

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