

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8755 of 2017

R.Sasikumar

.. Petitioner

-vs-

1. Inspector General of Police
Crime (SIT)
Chennai 600 016
 2. Deputy Inspector General of Police
Special Investigation Team
Chennai 600 016
 3. Superintendent of Police
District Police
Vellore
 4. Deputy Inspector General of Police
Vellore Range, Vellore
 5. Director General of Police
Law & Order
Chennai 600 004
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the first respondent herein in his proceedings Rc.No.A/ADC/2954/2008 in D.O.No.250/2008 dated 23.06.2008 and the order passed by the second respondent herein in his proceedings Rc.No.A1/VPC/5714/ 2012 in D.O.No.321/2012 dated 7.9.2012 and the order passed by the third respondent herein in his proceedings C.No.H1(1)/526/041271/2014 dated 25.03.2015 and quash the same, and consequently direct the respondents herein to reinstate the petitioner into service and treat the period of suspension as duty for all purposes in the light of Ruling 9 of Fundamental Rule-54 together with all consequential service benefits.

For Petitioner : Mr.G.Bala for M/s G.Bala and Daisy

For Respondents: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The present writ petition is directed against the impugned order dated 25.3.2015, in and by which the Superintendent of Police, Vellore District, the third respondent herein had refused to revoke the order of suspension imposed on the petitioner with effect from 23.6.2008, on the ground that the materials on record do not warrant the revocation of suspension till the completion of the trial in public interest, since he was involved in a criminal case in Chennai Vigilance and Anti-Corruption unit Crime No.8/AC/2008/CC-II under Section 7 of the Prevention of Corruption Act altered to Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

2. Assailing the said reasoning, the learned counsel for the petitioner submitted that when the Special Court for the Cases under the Prevention of Corruption Act at Chennai has passed its final judgment on 19th July, 2016 in C.C.No.100 of 2011 (Old C.C.No.8 of 2009) categorically holding that the prosecution has failed to establish the guilt of the petitioner-accused beyond reasonable doubt, hence, the accused is not found guilty under Section 7 & 13(2) read with 13(1)(d) of the Prevention of Corruption Act and acquitted of the charges, the respondents should have revoked the suspension order. However, when the petitioner made a representation to the fourth respondent to revoke the suspension order, the fourth respondent has not passed any orders. When the petitioner was suspended on 23.6.2008 for the only reason that he was involved in Chennai Vigilance and Anti-Corruption unit Crime No.8/AC/2008/CC-II under Section 7 of the Prevention of Corruption Act altered to Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 sequel to the trap and arrest by Vigilance and Anti-Corruption authorities on 20.6.2008, after the judgment of acquittal passed in respect of the alleged offences by the competent Special Court, the order of suspension should have been revoked. Now the petitioner, having proved his innocence, is still not able to get out of the suspension order. Therefore, in the light of the judgment of acquittal passed by the Special Court for the Cases under Prevention of Corruption Act at Chennai on 19th July, 2016 in C.C.No.100 of 2011 (Old C.C.No.8 of 2009), a direction should be given to the respondents to revoke the order of suspension, he pleaded.

3. The learned Special Government Pleader for the respondents also submitted that when the Special Court for the Cases under Prevention of Corruption Act at Chennai by its judgment dated 19th July, 2016 passed in C.C.No.100 of 2011 (Old C.C.No.8 of 2009) has acquitted the petitioner of all the charges levelled against him, the authorities should have revoked the suspension order. As they have not done so, the representation of the petitioner may be directed to be disposed of, in the light of the aforesaid judgment.

4. This Court, agreeing with his request, taking note of the fact that the petitioner has been acquitted of all the charges vide the judgment dated 19th July, 2016 passed by the Special Court for the Cases under Prevention of Corruption Act at Chennai in C.C.No.100 of 2011 (Old C.C.No.8 of 2009), the impugned suspension order is liable to be revisited. Therefore, the fourth respondent is hereby directed to consider and dispose of the representation of the petitioner dated 16.12.2016 seeking revocation of his suspension, in the light of the aforesaid judgment of acquittal, within a period of two weeks from the date of receipt of a copy of this order. The writ petition stands allowed. Consequently, W.M.P.Nos.9602 & 9603 of 2017 are closed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Inspector General of Police
Crime (SIT)
Chennai 600 016
2. The Deputy Inspector General of Police
Special Investigation Team
Chennai 600 016
3. The Superintendent of Police
District Police
Vellore
4. The Deputy Inspector General of Police
Vellore Range, Vellore
5. The Director General of Police
Law & Order
Chennai 600 004

+1 cc to Govt.Pleader, sr.22445

+1 cc to M/s.G.Bala & Daisy, advocate, sr.22267.

rj(co)
krd 28/4

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