

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 6.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.531 of 2017
and
C.M.P.Nos.7586 and 7738 of 2017

1. The State of Tamil Nadu
rep. by the Principal Secretary to
Government,
Home (Pol.2) Department,
Fort St. George, Chennai 600 009.
 2. The Director General of Police,
Mylapore, Chennai 600 004.
- Appellants/Respondents

Versus

K.Selvamani Respondent/Petitioner

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 19.9.2016 passed in W.P.No.26606 of 2015.

WP.No.26606 of 2015:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Lr.No. 42746/Pol.2/2013-25 dated 30.12.2014 and quash the same directing the respondents to permit the petitioner to rejoin duty as Deputy Superintendent of Police subject to the result in C.C.No.16/2014 dated 21-5-2014 on the file of Special Court under prevention of Corruption Act Trichirapalli

For appellants : Mr.Venkataramani,
Additional Advocate
General assisted by
Mr.V.Jayaprakash Narayanan,
Special Government Pleader

For respondent : Mr.K.M.Srirangan for
Mr.G.Balasubramanian

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ appeal is filed challenging the order of the learned Single Judge directing the appellants to reinstate the respondent herein in any non-sensitive post at a far away place forthwith.

3. It appears that the respondent herein is facing disciplinary proceedings as well as criminal proceedings consequent to a trap by the Vigilance and Anti-Corruption. The learned Single Judge, having noted that charge memo was not filed within three months as stipulated, and there is no extension of suspension order beyond three months by ascertaining reasons, found it to be unreasonable. Applying the ratio laid down in AJAY KUMAR CHOUDHRY v. UNION OF INDIA (2015 (2) SCALES 432), the learned Single Judge has ordered for posting of the respondent herein in any non-sensitive post at a far away place forthwith.

4. It is brought to the notice of the court that the respondent herein is facing trial and PW1 is also said to have been examined. This court, has already issued a direction to the State to move the Special Court for early disposal of the criminal case. Now, in the circumstances of the case, it is hereby directed that if the trial is not completed within another two months, the respondent herein will be posted in any non-sensitive post pending disposal of the case before the Special Court. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To

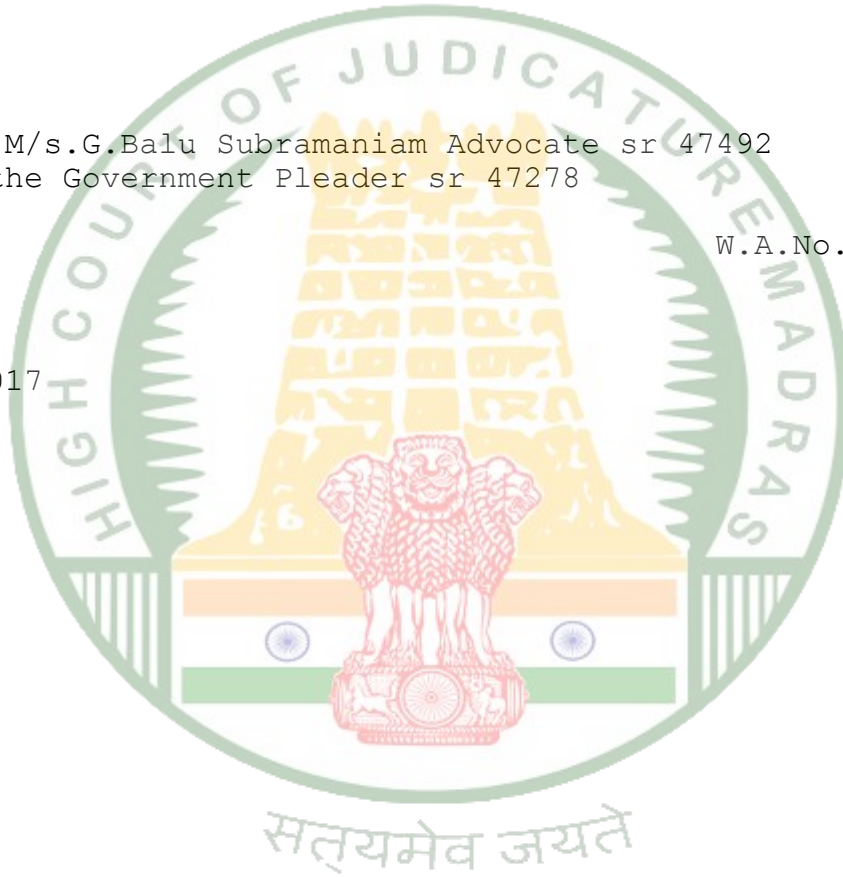
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+2 ccs to M/s.G.Balu Subramaniam Advocate sr 47492
+1 cc to the Government Pleader sr 47278

W.A.No.531 of 2017

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