

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14431 of 2017

and

W.M.P.Nos.15639 to 15641 of 2017

C.S.Ravindran

... Petitioner

Vs.

1.The Secretary to Government,
Home (Prisons) Department,
Secretariat,
Chennai - 600 009.

2.The Additional Director General of Police/
The Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARI FIED MANDAMUS, calling for the records relating to the impugned order of suspension by first respondent issued in G.O.(2D) No.133, Home (Prison-I) Department dated 29.05.2017 and the consequential order of retaining the petitioner in service issued in G.O.(2D) No.143 Home (Prison-I) Department dated 31.05.2017 and quash the same and consequently direct the first respondent to settle the personal benefits and also the retirement benefits due to the petitioner within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.S.Gunasekaran
Additional Government Pleader

* * * * *

O R D E R

Heard Mr.T.Ranganathan, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage.

2.The Writ Petitioner was placed under suspension as per the order passed in G.O.(2D) No.133, Home (Prison I) Department dated 29.5.2017. Pursuant to the order of suspension, the writ petitioner was not allowed to retire from service on attaining the age of superannuation with effect from 31st May 2017, and his services were extended under Rule 56(1)(c) of the Fundamental Rules in G.O.(2D) No.143, Home (Prison-I) Department dated 31.05.2017. Challenging those two orders, the petitioner has come forward with this present writ petition, mainly on the ground that the other officials who are also part of the alleged incident were not placed under suspension and further they were allowed to retire from service. In this regard, the learned counsel appearing for the petitioner urged this Court that in paragraph No.7 of the affidavit, the names of those Officers were mentioned.

3.This Court is able to peruse the names of the persons who were allowed to retire either voluntarily or on attaining the age of superannuation.

4.May it that be. This Court cannot go into those aspects because already disciplinary proceedings were initiated against the petitioner and a detailed charge memo has been issued. The writ petitioner also had submitted his explanations denying the charges, enquiry officer was appointed and thereafter, the enquiry proceedings were completed on 9.2.2016. This apart, the writ petitioner had participated in the enquiry and submitted his defence statements before the enquiry officer. Therefore, it is for the disciplinary authority to receive enquiry report and after affording an opportunity to the writ petitioner, final decision is to be taken.

5.The learned counsel informs this Court that earlier the very same writ petitioner filed a writ petition and this Court also issued a direction to complete the enquiry and pass final orders, as expeditiously as possible.

6.Now that the learned counsel states that domestic enquiry has already been completed and it is for the authorities to pass orders as per the directions of this Court, as early as possible without any further delay.

7.As far as this Writ Petition is concerned, the order of suspension and the order retaining the writ petitioner in service are under challenge. The enquiry proceedings have already been completed and the authorities are yet to pass final orders in the disciplinary proceedings. Under these circumstances, the question of considering the grievances raised

in this Writ Petition for quashing the suspension order or the order retaining the petitioner in service does not arise at all. It is left open for the writ petitioner to redress his grievances if any, after receiving the final orders to be passed in the disciplinary proceedings. In this view of the matter, this Court is not inclined to consider the grounds raised with regard to the suspension and retention of service issued by the respondents in respect of the petitioner's service.

Thus, the Writ Petition stands dismissed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

rpa

To

- 1.The Secretary to Government,
Home (Prisons) Department,
Secretariat,
Chennai - 600 009.
 - 2.The Additional Director General of Police/
The Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.
- +1cc to Government Pleader sr.48105

W.P.No.14431 of 2017

ss (21/7/2017)

सत्यमेव जयते

WEB COPY