

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26676 of 2017

M.Sekar

.. Petitioner

-Vs-

1. Deputy Inspector General of Police
Vellore Range, Vellore District

2. The Superintendent of Police
Vellore, Vellore District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to consider and pass orders on the representation dated 12.6.2017 of the petitioner, which has been forwarded to the second respondent by the first respondent as per procedure, for revoking his suspension in force w.e.f. 8.12.2015 in the light of change of circumstances within a time frame.

For Petitioner :: Mr.K.Ravi Anantha Padmanaban

For Respondents :: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The petitioner was placed under suspension by the order dated 9.12.2015 passed by the Deputy Inspector General of Police, Vellore Range under Rule 3(e)(1)(ii) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955, since a criminal case in Vellore Vigilance and Anti-corruption unit Crime No.13 of 2015 for an offence under Sections 7 and 13 (2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 was registered against him and he was arrested on 8.12.2015 at 20.00 hours and remanded to judicial custody. As the criminal case is pending for quite a long time, he has given a representation on 6.6.2016 seeking revocation of the suspension order. Finding no response, he has given one more representation on 12.6.2017, again praying the respondents not

to continue the prolonged suspension. In the meanwhile, the petitioner's daughter's marriage is also fixed on 30.10.2017. Therefore, a direction may be issued, he pleaded.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice on behalf of the respondents.

3. A perusal of the invitation shows that the marriage of the petitioner's daughter Ms.S.Nithya has been fixed on 30.10.2017. Therefore, the respondents are directed to consider the case of the petitioner on humanatarian grounds, in the light of the judgment of the Hon'ble Apex Court in the case of Ajay Kumar Choudhary v. Union of India through its Secretary and another, (2015) 7 SCC 291 followed by the Division Bench judgment of this Court in the case of Promod Kumar IPS v. State of Tamil Nadu represented by its Secretary (Home), Chennai, 2017 0 Supreme (Mad) 133, and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Inspector General of Police
Vellore Range, Vellore District
2. The Superintendent of Police
Vellore, Vellore District

+1 CC to Mr.K.Ravi Anantha Padmanaban, Advocate sr 73282.
+1 Cc to Govt. Pleader sr 73726.

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SP(13/10/2017)