

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27771 of 2017

V.Selvakumar

.. Petitioner

-vs-

The Superintendent of Police
15th Battalion
The Tamil Nadu Special Police
Savoor, Katpadi Taluk
Vellore District

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records related to the impugned proceedings of the respondent made in Ref.No.Na.Ka.No.A4/73/4/13, Ani.Aanai.No.29/2013 dated 23.01.2013 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner :: Mr.T.Arockia Dass

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

ORDER

This writ petition has been filed challenging the correctness of the suspension order dated 23.1.2013 passed by the Superintendent of Police, 15th Battalion, Tamil Nadu Special Police, Vellore District.

2. Learned counsel for the petitioner submitted that as the petitioner remained unauthorisedly absent for only 30 days to take care of his mother's health who was undergoing treatment, he was placed under suspension. Subsequently, he was slapped with the charge of dacoity and a First Information Report was also filed. Consequent thereto, he was arrested and remanded to judicial custody. In view of that, the petitioner was issued with a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1955. When the criminal case is pending for the alleged offence under Section 399 of IPC dealing with dacoity, the respondent cannot keep the

petitioner under prolonged suspension.

3. But this Court is unable to entertain the writ petition for two reasons. First of all, the petitioner being a Grade 'C' Police Constable working in the 15th Battalion of the Tamil Nadu Special Police from the year 2011, all of a sudden, he remained unauthorisedly absent, on the ground that his mother was taking treatment for her bad health. It is not known what is the bad health. However, his absence from duty has brought to light that he was involved in dacoity, for which a First Information Report was lodged against him and he was arrested and remanded to judicial custody. After taking note of the petitioner's bad precedent, the Superintendent of Police, 15th Battalion of the Tamil Nadu Special Police has rightly placed the petitioner under suspension. When the petitioner, who is serving as as Police Constable, has given room for initiation of criminal case for the serious offence of dacoity under Section 399 of IPC, this Court is not inclined to show any indulgence to him. Therefore, the writ petition is dismissed. Consequently, W.M.P.No.29758 of 2017 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police
15th Battalion
The Tamil Nadu Special Police
Savoor, Katpadi Taluk
Vellore District

+1cc to Mr.Dass & Viswa Associates, Advocate, S.R.No.77371

WEB COPY

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MG(CO)
GN(20/11/2017)