



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2017

CORAM:

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
and

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
W.A.(MD) No.683 of 2017

K.Annadurai

... Appellant

-vs-

1.The Deputy Inspector General of Police
Armed Police, Trichy

2.The Commandant / Enquiry Officer
Tamilnadu Special Police - I Battalion
Trichy

3.K.Bharathi

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 10.07.2015 in W.P.(MD).No.17116 of 2014, on the file of this Court.

Prayer in WP(MD). 17116/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS thereby forbearing the 2nd respondent from proceeding with the departmental proceedings in Na.Ka.No.E2/T.P.No.13/2014 pending disposal of the criminal case against the petitioner in S.C.No.230 of 2014 on the file of the learned Principal District Special and Sessions Judge, Madras.

For Appellant : Mr.P.Ganapathi Subramanian

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader for R1 & R2

For Caveator R3 : M/s.P.Balamurugan

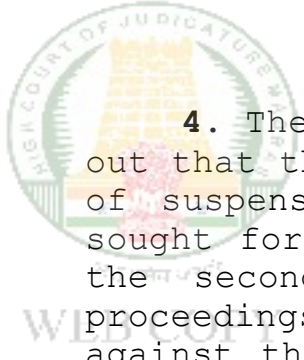
J U D G M E N T

(Judgment of the Court by T.S.SIVAGNANAM, J.,)

Mr.V.R.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

2. With the consent of both sides, this writ appeal is taken up for final hearing at the admission stage itself.

3. The appellant / writ petitioner is aggrieved by the order, dated 10.07.2015 in W.P.(MD) No.17116 of 2014, by which the writ petition was dismissed with a direction to the second respondent to proceed with the departmental proceedings.



4. The learned counsel appearing for the appellant would point out that the Writ Court was of the view that it is a case of order of suspension and passed the impugned order. But, the prayer sought for by the appellant before the Writ Court was to forbear the second respondent from proceeding with the departmental proceedings pending disposal of the criminal case registered against the appellant, in S.C.No.230 of 2014, on the file of the learned Principal District Special and Sessions Judge, Chennai.

5. It is a settled legal position that departmental proceedings as well as the criminal proceedings can proceed parallelly and it is not an universal rule that in all cases, departmental proceedings should await the outcome of the criminal proceedings.

6. It is submitted that the appellant is still in service and not placed under suspension. Thus, we are of the view that the ultimate decision rendered by the Writ Court is just and proper, wherein a direction has been issued to the second respondent to commence and complete the disciplinary proceedings as early as possible, preferably within a period of six months from the date of receipt of a copy of that order. Thus, for all the above reasons, we are of the view that the appellant has not made out any ground to interfere with the order passed by the Writ Court.

7. In the result, the writ appeal fails and it is dismissed. The second respondent is entitled to proceed with the departmental proceedings pending disposal of the criminal proceedings as against the appellant. No costs.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

- 1.The Deputy Inspector General of Police,
Armed Police, Trichy.
- 2.The Commandant / Enquiry Officer,
Tamilnadu Special Police - Battalion,
Trichy.

+1cc to M/S.P.BALAMURUGAN, Advocate SR.No.61525

+1cc to Special Government Pleader, SR.No. 61855

krk

MAS/KP/SAR2:05.07.2017:2P-5C

W.A. (MD) No.683 of 2017

21.06.2017