

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 12.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A Nos.41 and 42 of 2014 and
MP.Nos.1 and 1 of 2014

N.Rangaswamy

... Appellant in
both Appeals

-Vs-

- 1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Home Department,
Fort St.George, Chennai - 600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
- 3.The Commissioner of Police,
Vepery, Chennai - 600 007.
- 4.The Additional Commissioner of Police (Traffic)
Poonamallee High Road,
Kilpauk, Chennai - 600 010. ... Respondents in both Appeals

PRAYER: Writ Appeals filed under Clause 15 of Letters Patent against the order passed in W.P Nos.30023 and 30024 of 2013 respectively dated 06.11.2013.

PRAYER IN WP.30023 & 30024 OF 2013:

Writ Petitions have been filed Under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus

Calling for the records relating to the order passed by the 4th respondent in his proceedings in Rc. No.TZ/PR/ 504/22626/ 2013/TZO No.677/2013 and in RC.NO.TZ/PR/ 504/22626/ 2013/TZO No.677/2013 dated 9.10.2013 respectively and quash the said

order and consequently direct the respondents to relieve the petitioner from service by issuing appropriate retirement orders and settle all unpaid salary, entire retirement benefits including pension and all service monetary benefits with interest and cost to the petitioner forthwith.

For Appellant : Mr.Haja Nazirudheen
Senior Counsel
for Mr.K.Sellathurai

For Respondents: Mrs.A.SriJayanthi
Spl.Govt.Pleader

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN,J.]

The writ petitions filed by the appellant challenging the order of suspension and the order not permitting him to retire from service were dismissed by the learned single Judge. The common order is under challenge in these intra court appeals.

2. The learned Senior Counsel for the appellant submitted that the appellant would be satisfied, in case, it is made clear that the observations contained in Paragraphs 6 and 7 of the order passed by the learned single Judge will not stand in the way of the appellant taking up all the defences available to him in the disciplinary proceedings as well as the writ petition challenging the charge memo.

3. The learned single Judge appears to have made certain observations in the order dated 6 November 2013 while sustaining the order of suspension and not permitting the appellant to retire from service. Those observations were made only for the purpose of deciding the two writ petitions.

4. We make it clear that the observations contained in Paragraphs 6 and 7 of the order dated 6 November 2013 would not stand in the way of the learned single Judge deciding the writ petition stated to have been filed by the appellant challenging the charge memo. In short, the writ petition filed by the appellant challenging the charge memo would be decided by the learned single Judge on its own merits, without in any way being influenced by the observations made by the learned single Judge in the order in appeals.

5. The intra court appeals are disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Principal Secretary
The Government of Tamil Nadu
Home Department,
Fort St.George, Chennai - 600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
- 3.The Commissioner of Police,
Vepery, Chennai - 600 007.
- 4.The Additional Commissioner of Police (Traffic)
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

+1cc to the Government Pleader, S.R.No.18822
+1cc to Mr.k.sella thurai Advocate, S.R.No. 18325

W.A Nos.41 and 42 of 2014

nrk(CO)
TR(10/04/2018)