

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.07.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.20080 of 2004

N. Gunasekaran

... Petitioner

Vs.

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

2. The Deputy Inspector General of Police,
Armed Reserve, Chennai - 600 010.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in connection with the proceedings issued in PR.No.13/02 (Range Office) PR.No.106/02 (TSP V BN) dated 14.01.2004 by the Second Respondent and Rc.No.Estt.I(2)/2494/IG/2004 dated 04.06.2004 by the First Respondent and quash the same and consequently direct the Respondents to reinstate the Petitioner into service with all benefits.

For Petitioner : Mr.S. Ilamvaludhi

For respondents: Mr.K.S. Suresh
Govt. Advocate

ORDER

The Petitioner challenges the order Rc.No.Estt.I(2)/2494/IG/2004 dated 04.06.2004 passed by the First Respondent confirming the punishment of dismissal from service inflicted on the Petitioner by the Second Respondent by order in PR.No.13/02 (Range Office) PR.No.106/02 (TSP V BN) dated 14.01.2004.

2. On a perusal of the averments contained in the affidavit filed in support of the Writ Petition, it is seen that the Petitioner has not shown any infirmity in the manner of conduct of the disciplinary proceedings which was ultimately held against him. The only submission of the learned Counsel for the Petitioner is that on the same set of facts, criminal prosecution had been launched against the Petitioner, which has not attained finality and hence the disciplinary proceedings ought not to have been proceeded, which has caused prejudice to him.

3. It is not possible to accept the aforesaid contention of the learned Counsel for the Petitioner in view of the judgment of the Hon'ble Supreme Court of India in Capt.M. Paul Anthony vs Bharat Gold Mines Ltd, [(1999) 3 SCC 679] wherein it has been held that there is no bar for simultaneous disciplinary proceedings when the criminal prosecution has not yet been completed. On the facts of this case, the disciplinary proceedings which is impugned in this Writ Petition, has attained finality on 04.06.2004, whereas the criminal prosecution is said to be still pending. In these circumstances, in the light of the principles laid down by the Hon'ble Supreme Court, it cannot be said that the Petitioner is prejudiced by the conclusion of the disciplinary proceedings before the criminal prosecution. The charges against the Petitioner in the disciplinary proceedings have been proved and the punishment imposed on the Petitioner is also commensurate with the gravity of misconduct.

4. As there does not appear to be any justification to interfere with the impugned order, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Police,
Armed Reserve, Trichy.
2. The Deputy Inspector General of Police,
Armed Reserve, Chennai - 600 010

+1cc to Government Pleader sr.no.47583

nr 17/09/2018

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