

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.29586 of 2018
W.M.P. No.31863 of 2018

S.Kumaran

...Petitioner

..vs..

The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.

...Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the impugned order in C.No.B2/7332/2016 dated 02.12.2016 issued by the respondent and quash the same as illegal and consequently direct the respondent to reinstate me in service, in the light of the judgment of the Hon'ble Apex Court reported in (2015) 3 CTC 112 the Judgments of this Court in W.A.(MD) No.28 of 2017 dated 12.01.2017, W.A.(MD) No.100 of 2017 dated 13.02.2017 and W.A.No.613 of 2017 dated 15.06.2017 and letter No.13519/N/2015-1 dated 23.07.2015 issued by the P & AR (N) Department, Government of Tamil Nadu.

For Petitioner : Mr.C.Arul Vadivel

For Respondents: Mr.V.Kadhirvelu
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order of the respondent dated 02.12.2016 and to quash the same inasmuch as the same is illegal and consequently direct the respondent to reinstate the petitioner in service, in the light of the judgment of the Hon'ble Apex Court reported in 7 (SCC) 241 and the Judgments of this Court in W.A.(MD) No.28 of 2017 dated 12.01.2017, W.A.(MD) No.100 of 2017 dated 13.02.2017 and W.A.No.613 of 2017 dated 15.06.2017 and letter No.13519/N/2015-1 dated 23.07.2015 issued by the P & AR (N) Department, Government of Tamil Nadu.

2. The case of the petitioner is that while the petitioner

was working as the Inspector of Police, Kalpakkam Circle Police Station, Kancheepuram District, a criminal case was registered against him and he was arrested and remanded to Judicial Custody on 01.12.2016. Later he was enlarged on bail by the order dated 14.12.2016 passed by the learned Chief Judicial Magistrate, Chengalpet in Cr.M.P.No.1170 of 2016. The petitioner was placed under suspension by invoking sub rule 3 (1) (ii) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. He has been under suspension for a prolonged period of one year. Neither any Charge Memo has been issued nor any charge sheet has been filed till date and no departmental proceedings has been initiated by the respondent.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that as per the Judgment of Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India and another (2015) 7 SCC 291, the suspension should not continue for more than three months, the petitioner prays for the revocation of the suspension.

5. However, the learned counsel for the respondent would submit that the petitioner being involved in a criminal case, the case of Ajay Kumar Choudhary Vs. Union of India and another (2015) 7 SCC 291, is hardly of any assistance.

6. Considering the facts and circumstances of the case and also considering the submissions made, this Court directs the respondent to consider the case of the petitioner for revocation of suspension, if no charge sheet is filed or charge memo is issued against him till date, within a period of two weeks from the date of receipt of a copy of this order, in the light of the decision of the Hon'ble Apex Court in Ajay Kumar Choudhary Vs. Union of India and another (2015) 7 SCC 291.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

arr

To

The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.

+2cc to Mr.C.Arul Vadivel, Advocate SR.No.52925
+1cc to Government Pleader SR.No.55062

WP.No.29586 of 2017

PA (CO)
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