

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.23892 of 2012

S.Gurusamy

.. Petitioner

Vs.

1.The Chief Security Commissioner,
Office of the Railway Protection Force,
6th Floor, Moor Market Complex,
Southern Railway,
Chennai-3.

2.The Assistant Security Commissioner,
Office of the Railway Protection Force,
5th Floor, DRM Building,
Southern Railway,
Chennai-3.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to suspend the departmental enquiry initiated by the respondents against the petitioner on 13.07.2012 having Ref.No.M/XP/227/02/2012 for the alleged offence of receiving illegal gratification on 16.02.2012, until the completion of the criminal proceedings in R.C.MA 1 2012 A 004 before the CBI/ACB/Chennai Court pertaining to the same allegation.

For Petitioner .. Ms.Kavitha Deenadayalan

For Respondents.. Mr.P.T.Ram Kumar

ORDER

The prayer in the writ petition is as follows:

To issue a writ of mandamus to direct the respondents to suspend the departmental enquiry initiated by the respondents against the petitioner on 13.07.2012 having Ref.No.M/XP/227/02/2012 for the alleged offence of receiving illegal gratification on 16.02.2012, until the completion of the criminal proceedings in R.C.MA 1 2012 A 004 before the CBI/ACB/Chennai Court pertaining to the same allegation.

2. During the pendency of the writ petition, a criminal complaint, which has been initiated on 10.02.2017 against the petitioner, had ended in acquittal of the petitioner. Therefore, the prayer as such sought for in this writ petition does not survive for any further consideration before this Court.

3. However, the learned counsel for the petitioner would submit that the department may consider the petitioner's meritorious service rendered by him during the period when the writ petition was pending before this Court and take a sympathetic view with regard to the findings of the criminal Court on the subject matter, in the departmental proceedings.

4. Recording the above submission, the writ petition is dismissed in view of the subsequent development and the respondents are directed to consider the case of the petitioner on the basis of the meritorious service rendered by him during all these years and pass appropriate orders on the basis of the departmental action. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Security Commissioner,
Office of the Railway Protection Force,
6th Floor, Moor Market Complex,
Southern Railway,
Chennai-3.

2.The Assistant Security Commissioner,
Office of the Railway Protection Force,
5th Floor, DRM Building,
Southern Railway,
Chennai-3.

+1cc to Ms.Kavitha Deenadayalan, Advocate Sr.No.1471

+1cc to Mr.P.T.Ramkumar, Advocate SR.No.1803

KK(CO)

sm:14.2.2018

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