

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.07.2018
CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.19035 of 2018

S.Selvaraj

...Petitioner

Versus

The Commissioner of Police,
O/o. the Commissioner of Police,
Coimbatore City

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondent to stay the Departmental Proceedings in F4/PR-29/2017 dated 14.03.2017 until the disposal of Spl.C.C.No.1/2016 on the file of the Special Judge for the cases under Prevention of Corruption Act, Coimbatore based on the petitioner's representation dated 11.06.2018.

For Petitioner : Mr.S.Kumara Devan

For Respondent : Mrs.R.Janaki,
Additional Government Pleader

ORDER

Mrs.R.Janaki, learned Additional Government Pleader takes notice on behalf of the respondent.

2. The grievance of the writ petitioner in this case is that though he has been indicted in a criminal case in Spl.C.C.No.1 of 2016 under the Prevention of Corruption Act, 1988, which is pending in the Special Court of Special Justice, Coimbatore, grounded on the same set of facts a disciplinary proceeding has also been initiated. The petitioner therefore made a presentation to the sole respondent to stay further proceedings of the disciplinary proceeding inasmuch as the criminal case as well as the disciplinary proceeding has been grounded on the same set of facts and if the disciplinary proceeding is continued he shall be prejudiced in his defence in the criminal case. Though such representation was given on 11.06.2018, the respondent has not passed any order on the same. Hence, the petitioner came to file this writ petition seeking a direction to the respondent to dispose of his representation within a stipulated period.

3. Considering the nature of relief sought for, this Court is of the view that no useful purpose is going to be served by asking the respondent to file reply affidavit before disposal of the writ petition inasmuch as the same can be disposed of in the absence of reply affidavit with certain stipulation. The learned counsel for the respondent would also submit that the respondent shall have no objection for disposal of such representation, if the same is pending, within a reasonable period.

4. Regard being had to the aforesaid facts and submissions made by the learned counsel for the parties, this Court disposes of this writ petition with the direction to the respondent to take an informed and considered decision on the representation of the writ petitioner to stay the disciplinary proceeding on the aforesaid ground, within a period of four weeks from the date of receipt of a copy of this Order.

5. It is made clear that this Court has not expressed any opinion on merits of the representation in any manner. However, till a decision is taken on the representation, the respondent shall not proceed with the disciplinary proceeding.

6. With the aforesaid order, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner of Police,
O/o. the Commissioner of Police,
Coimbatore City.

+1cc to Mr.S.Kumara Deven, Advocate Sr.50324

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srg 14/08/2018