

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18544 of 2008
and
M.P.No.2 of 2008
and M.P.No.1 of 2009

V.Subramani

... Petitioner

Vs.

The Deputy Inspector General of Police
Salem Range,
Salem.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorari, calling for the records of the respondent in connection with the impugned charge memo issued in PR.No.14/2008, C.No.B2/2748/2007 dated 10.06.2008 and quash the same.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.R.S.Selvam
Government Advocate

O R D E R

This Writ Petition has been filed, challenging the impugned charge memo issued under Rule 3(b) of TNPSS (D&A) Rules, 1955, in PR.No.14/2008, C.No.B2/2748/2007 dated 10.06.2008, wherein, the following two charges were levelled against the petitioner:-

(i) The petitioner had married Brindavathi during the subsistence of the 1st marriage, which is violating Rule 23(1)(b) of TNPSS (D&A) Rules, 1964 and

(ii) The petitioner has not submitted the statement in Form "A" showing the immovable property nor furnished the required certificate in the prescribed form along with the statement of

immovable property acquired and registered in his wife's name.

2. When the matter was taken up for final disposal, the police department was directed to furnish the present status of the case. Accordingly, the police department has furnished the copy of the order of the Home (Police VI) Department in G.O.(3D) No.07 dated 27.01.2016 and the death certificate of the petitioner herein, wherein, it is found that on 28.08.2013, the petitioner died and due to which, the charge memo issued against him was abated. The said order of the Home (Police VI) Department in G.O.(3D) No.07 dated 27.01.2016, reads as follows:

"Consequent to the death of Thiru.V.Subramaniam, Head Constable 1398, Vellore District on 28.08.2013 due to illness, the disciplinary proceedings pending against him shall abate in accordance with orders issued in G.O.(Ms).No.2999, Public (SER) Department dated 04.12.1969"

3. Based on the above order, the Superintendent of Police, Krishnagiri District, has issued a proceedings in C.No.G2/9635/2016, wherein, it has been stated as follows:

"In accordance with orders issued in G.O.(3D) No.07 dated 27.01.2016, communicated in Chief Office Endt. Rc.No.2505/Con.3(1)/2007 dated 28.04.2016 charge u/r 3(b) of TNPSS (D&A) Rules 1955 in Krishnagiri District P.R.No.48/2008 (Salem Range P.R.14/2008) pending against Tr.V.Subramaniam, HC 1398 Vellore District formerly Krishnagiri District who died on 28.08.2013 is abated."

4. In view of the above, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raja

To
The Deputy Inspector General of Police
Salem Range,
Salem.

+1 cc to The Government Pleader, Sr.No.43193

W.P.No.18544 of 2008
and
M.P.No.2 of 2008
and
M.P.No.1 of 2009

CSL/22.10.2018



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