

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.12.2018

CORAM

THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition No.29168 of 2018
& WMP No.34095 of 2018

V.Gopal

.. Petitioner

- Vs -

1. State of Tamil Nadu, Rep. by Additional Chief Secretary
to Government, Home (Police-2) Department,
Fort St. George, Chennai 600 009.
2. The Director General of Police,
O/o. The Director General of Police, Kamarajar Salai,
Chennai 600 004.
3. The Superintendent of Police, Dindigul Range,
District Police Office, Dindigul.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the records relating to G.O.(2D) No.380 Home (Police-2) Department, dated 25.10.2018 issued by the first respondent as communicated by the letter Rc.No.185748/Con.2(2)/2012, dated 26.10.2018 of the second respondent and forwarded by Letter D.O.No.997/2018 in C.No.F1/30518/237/2018 of the third respondent dated 27.10.2018 suspending the petitioner from service and to quash the same as being illegal, arbitrary and unconstitutional.

For Petitioner : Mr. R.Singaravelan, Sr. Counsel,
for, M/s. C.K.Chandrasekar

For Respondents: Mr. A.N.Thambidurai, Spl.G.P.,

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O R D E R

The petitioner retired from service on 31.10.2018. Prior to that, disciplinary proceedings commenced in the year 2013. It is stated that though some of the charges relate to the pending criminal case, the criminal case ended in acquittal on 23.11.2017. The petitioner had been put under suspension on the last day of his service, namely, on the date of super-annuation.

2. Despite the Government Orders prohibiting suspension on the last date of the service, still it is being done. Pointing out the factors which are to be considered in favour of the petitioner, the petitioner has submitted a representation dated 16.06.2015 to the respondents. Even after the super-annuation, as his representation has not been considered and no final orders have been passed on the enquiry report, this writ petition has been filed.

3. Under the said circumstances, without dwelling into the merits of the case, the respondents are directed to consider the representation of the petitioner, dated 16.06.2015, and to pass appropriate orders, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Srk

Sd/-

Assistant Registrar(CS CO)

//True copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary
to Government, State of Tamil Nadu, Home (Police-2)
Department, Fort St. George, Chennai 600 009.
2. The Director General of Police,
O/o. The Director General of Police, Kamarajar Salai,
Chennai 600 004.
3. The Superintendent of Police, Dindigul Range,
District Police Office, Dindigul.

+1cc to Mr.C.K.CHANDRASEKKAR, Advocate SR.No.89826

+1cc to Government Pleader SR.No.90033

KR(18/01/2019)

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