

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31967 of 2018
and W.M.P.Nos.37209, 37210 and 37497 of 2018

C.Sivasubramanian

... Petitioner

vs

- 1.The State rep.by Secretary
Home Department, Fort St.George
Chennai - 600 009.
- 2.The Commissioner
The Disciplinary Proceedings, Tribunal
Kuralagam, Chennai 600 108.
- 3.The Director General of Police
No.601, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
- 4.The Additional Director General of Police
V & AC, Greenways Road, Chennai 600 028.
- 5.The Inspector General of Police
Armed Police, Trichy.
- 6.The Commandant, Tamil Nadu Special Police
XI Battalion, Rajapalayam, Virudhunagar District.

... Respondents

For Petitioner : M/s.G.Thyagarajan
For Respondent : Mr.A.N.Thambidurai,
Additional Govt.Pleader

Prayer : Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the third respondent to consider the appeal / representation of the petitioner dated 20.08.2018.

ORDER

The petitioner, who was working as Sub Inspector of Police in CBCID Department, was specially appointed to probe into the Gold Quest case under the supervision of the Inspector, CBCID one Mr.Sundareswarapandian in the year 2008. While so, the petitioner and other officers who were involved in the said Gold Quest case were suspended vide order dated 16.12.2008 on the allegations of receiving gratification for not effecting the arrest of one of the accused Firose Khan. Departmental proceedings were initiated against the petitioner and others in the year 2014 vide TDP Case No.12 of 2014 before the Disciplinary Proceedings Tribunal, Chennai, wherein the Tribunal has given a finding that the charges were proved and ordered that the alleged gratification amount of Rs.1 crore has to be recovered from the petitioner and others involved in the case and it should be handed over to P.W.2 Firose Khan. Challenging this order dated 31.05.2017, an appeal has been filed on 28.08.2018 before the third respondent. It is the claim of the petitioner that due to the said findings in the order, the petitioner is being paid only subsistence allowance with no increment for the past 10 years. Therefore, this writ petition has been filed seeking direction to the third respondent to consider the appeal filed by the petitioner dated 20.08.2018.

2. Mr.A.N.Thambidurai, learned Additional Government Pleader takes notice on behalf of the respondents. Heard the learned counsel appearing on both sides and perused the materials placed on record.

3. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the appeal filed by the petitioner dated 20.08.2018 and pass orders on the same within a particular time frame.

4. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the appeal filed by the petitioner dated 20.08.2018 and pass orders thereon, in accordance with law, as expeditiously as possible, in any event within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kst

To

1.The State rep.by Secretary
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Chennai - 600 009.

2.The Commissioner
The Disciplinary Proceedings, Tribunal
Kuralagam, Chennai 600 108.

3.The Director General of Police
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5.The Inspector General of Police
Armed Police, Trichy.

6.The Commandant, Tamil Nadu Special Police
XI Battalion, Rajapalayam, Virudhunagar District.

+1cc to Mr.G.Thyagarajan, Advocate, S.R.No.83972

+1cc to the Government Pleader, S.R.No.84446

W.P.No.31967 of 2018

SSI (CO)
GSP (31/12/2018)

सत्यमेव जयते

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