

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32823 of 2018

G.Uthirapathi

....

Petitioner

Vs

The Superintendent of Police
Cuddalore District, Cuddalore

....

Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider the petitioner's representation dated 02.05.2018 within the time frame fixed by this Court.

For Petitioner : Mr.K.Gandhi Kumar
For Respondent : Mr.K.RajendraPrasad,
Addl.Govt.Pleader

O R D E R

The petitioner, who was working as Special Sub Inspector of Police, was suspended from service on 12.01.2018, on the ground that a criminal case in Crime No.2 of 2018 under Section 7 of the Prevention of Corruption Act, 1988 was registered against him. Terming that prolonged suspension is against law, the petitioner sent a representation dated 02.05.2018 to the respondent requesting for revocation of suspension and reinstatement into service. As the said representation did not evoke any response, the petitioner has moved this Court by way of the present writ petition.

2. Learned counsel for the petitioner would submit that the petitioner is due to retire from service on 28.02.2019 and the suspension order at the fag end of his retirement would have serious implications on his retirement and seeks the intervention of this court. He relies on the judgment rendered by the Supreme Court reported in (2015) 7 SCC 291 "Ajay Kumar Choudhary Vs Union of India", wherein it was held as follows.

DR.S.VIMALA, J.
kst

"We, therefore, direct that the currency of a suspension order should not extend beyond three months, if within this period, the Memorandum of Charges / Charge sheet is not served on the delinquent

officer / employee; if the Memorandum of Charges / Charge sheet is served, a reasoned order must be passed for the extension of suspension. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution."

3. Mr.K.Rajendra Prasad, learned Additional Government Pleader takes notice on behalf of the respondent. Heard the learned counsel on either side and perused the materials placed on record.

3. Under the circumstances, following the principles laid down in the aforesaid landmark judgment of the Supreme Court, the order of suspension dated 12.01.2018 is directed to be revoked by the respondent and the respondent is directed to pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Superintendent of Police
Cuddalore District, Cuddalore

+1 cc to Mr.K.Gandhikumar Advocate sr86066

+1 cc to Government Pleader sr 86677

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