



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS. JUSTICE R.THARANI

W.A (MD) No.304 of 2018

P.Ramachandran

... Appellant/Petitioner

Versus

1.The Deputy Inspector General of Police,
O/o.the Deputy Inspector General of Police,
Madurai Range, Madurai.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

... Respondents/Respondents

Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 23.03.2017 made in W.P.(MD) No.12765 of 2016 on the file of this Court.

Prayer in WP(MD). 12765/ 2016 :-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings C.No. A2/6259/143/2015 R.O.No. 190/2015 dated 27.05.2015 and the consequential impugned order passed by the 2nd respondent in his proceedings C.No.F1/24356/2015 D.O.No. 784/2015 dated 03.06.2015 and quash the same as illegal.

For Appellant : Mr.D.Saravanan

For Respondents : Mr.V.R.Shanmuganathan, Spl.G.P.

JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM,J)

Heard Mr.D.Saravanan, the learned counsel for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.



2.This writ appeal is directed against the order dated 23.03.2017 made in W.P.(MD) No.12765 of 2016. The writ petitioner prayed for issuance of a writ of certiorari to quash proceedings of the first respondent dated 27.05.2015, by which the writ petitioner was placed under suspension with effect from the date, he having been arrested by the Vigilance and Anti Corruption authorities.

3.The appellant contended that the suspension is liable to be set aside as it is a prolonged suspension and no charge memo was issued to the appellant till the writ petition was filed. Further the appellant placed reliance on the Government letter dated 23.07.2015, wherein, a clarification was issued that currency of suspension should not extend beyond three months, if within this period, the charge memo was not served on the delinquent and in the police case, since charge memo was not issued within three months, the suspension should be revoked. Further, it was contended that there was no reason for the delay in completing the disciplinary proceedings and without initiating the disciplinary proceeding by issuing charge memo, the conduct of the respondents in keeping the petitioner under suspension indefinitely is in violation of government orders. The writ Court, in our considered opinion, very elaborately considered the entire issue taking note of the decisions on the point and dismissed the writ petition. However, we do not wish to fully foreclose the rights of the appellant, granted liberty to the appellant to make a representation for review of the order of suspension. The reasons assigned by the Writ Court for denying the relief sought for by the petitioner is perfectly in order and inconsonance with the decision laid down by this Court as well as the Hon'ble Supreme Court. Some of which have been noted in paragraph 13 and 14 of the impugned order. Thus, we find that the appellant has not made out any case for interference with the impugned order.

4.Accordingly, this writ appeal fails and is dismissed. We find that pursuant to the direction issued by the Writ Court, the petitioner has given a representation to the first respondent on 04.06.2017, which has been received in the office of the first respondent on 05.06.2017. The first respondent is directed to consider the said representation in terms of the direction issued by the Writ Court, within a period of eight weeks from the date of receipt of a copy of this judgment.

5.This writ petition is dismissed with the above observation and direction. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/



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To
1.The Deputy Inspector General of Police,
O/o.the Deputy Inspector General of Police,
Madurai Range, Madurai.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

+One cc to Mr.M.Ravishankar, Advocate, SR.no.52431

+One cc to The Special Government Pleader, SR.No.52355

Arul

RL/5C/3P/SV/MMS/SAR1/19/3/2018

Judgment made in

W.A (MD) No.304 of 2018

28.02.2018