



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 14.08.2018**

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.17962 of 2018

and

W.M.P(MD)No.15845 of 2018

D.Michael Chandran

..Petitioner

Vs

1. The Director General of Police,
Chennai.

2. The Deputy Inspector General of Police,
Madurai Range,
Madurai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to defer the further proceedings of the oral enquiry in Ref.C.No.A2/3467/287/2018, dated 16.5.2018 till the examination of the prosecution witnesses in both the criminal cases jointly in C.C.No.77 of 2012 on the file of the learned Judicial Magistrate, Boothapandi by the Sub-Divisional Magistrate cum Revenue Divisional Officer, Padmanabhapuram and in S.C.No.195 of 2011 on the file of the Additional District Judge, Tenkasi, Tirunelveli District.

For Petitioner
For Respondents

:Mr.S.Suresh Kumar
:Mr.K.Mu.Muthu,
Addl.Govt.Pleader

ORDER

This Petition has been filed seeking a direction to the second respondent to defer the proceedings of oral enquiry with reference to Ref.C.No.A2/3467/287/2018, dated 16.5.2018 till the examination of the prosecution witnesses in criminal cases in C.C.No.77 of 2012, on the file of the learned Judicial Magistrate, Boothapandi by the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Padmanabhapuram and in S.C.No.195 of 2011, on the file of the Additional District Judge, Tenkasi, Tirunelveli District.

2.The Petitioner has already approached this Court by filing W.P(MD)No.8955 of 2010 and this Court by a common detailed order held that the criminal proceedings and disciplinary proceedings are independent to each other and domestic enquiry and Criminal enquiry shall proceed with simultaneously and based on the material facts with regard to the domestic enquiry, the



authorities dealing with the departmental proceedings are free to exercise the power according to the departmental rules and regulations. It is seen that the petitioner, under some pretext or the other, is trying to drag on the proceedings and thereby preventing the proceedings from attaining finality.

3.The issue is of the year 2009 and almost nine years have gone by. The Petitioner has also attained the age of superannuation but however, he has not been allowed to retire from service. Insofar as the domestic enquiry is concerned, there is a possibility of adoption of the principles of preponderance of probability, whereas in the criminal proceedings, the guilt should be proved beyond reasonable doubt. It is well settled that disciplinary proceedings and proceedings in a criminal case can proceed simultaneously in the absence of any legal bar to such simultaneity. In this case, the Petitioner has been adopting dilatory tactics in stalling the proceedings in filing applications one after the other and though the act of the Petitioner amounts to contempt and is highly deprecated, at present, this Court is not inclined to initiate any contempt action against him. Hence, finding no merits in this petition, the Writ Petition is dismissed as devoid of merits.

4.However, it is made clear that there is no bar for the respondents in extending the benefits due to the Petitioner under the relevant provisions of law. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Director General of Police,
Chennai.
2. The Deputy Inspector General of Police,
Madurai Range,
Madurai.

+1cc to Mr.S.Suresh Kumar, Advocate Sr.No.78666
+1cc to Spl.Government Pleader Sr.No.78799

VSN

VB/SKN/SAR1/11.09.2018/2P/5C

ORDER MADE IN
W.P(MD)No.17962 of 2018 and
W.M.P(MD)No.15845 of 2018
14.08.2018