

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15900 of 2018

M.Sekar

.. Petitioner

Vs.

1. The Deputy Inspector General of Police
Vellore Range, Vellore

2. The Superintendent of Police
Vellore Range, Vellore

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for records and quashing the impugned order of the 1st respondent dated 09.12.2015 vide C.No.B1/015242/2015 R.O. 409/2015 suspending the petitioner from service as Sub-Inspector of Police with effect from 08.12.2015 and consequently direct the respondents to reinstate the petitioner within time frame.

For Petitioner : M/s.Ravi Anantha Padmanaban

For Respondents : M/s.P.Rajalakshmi
Additional Government Pleader

सत्यमेव जयते
O R D E R

The order of suspension dated 09.12.2015 placing the writ petitioner under suspension, on the ground that a criminal case is registered 13/2015 under Sections 7 and 13 (2) (d) of the Prevention of Corruption Act, 1988. The learned counsel for the writ petitioner is noncontinuous suspension for about 3 ½ years.

2. However, the fact remains that the writ petitioner is due to retire on 31.05.2019, on attaining the age of superannuation. This apart, on the date of superannuation, the authorities competent are bound to pass orders, once again placing the writ petitioner under suspension and to retain him in service with reference to the rules in force. An employee who

is facing a criminal case under the Prevention of Corruption Act, 1988, cannot be allowed retire and this apart, the departmental proceedings are also to be concluded, in accordance with the Discipline and Appeal Rules.

3. This Court is of the opinion that the case of the writ petitioner at this stage cannot be considered and accordingly, the writ petition stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kmm/pns

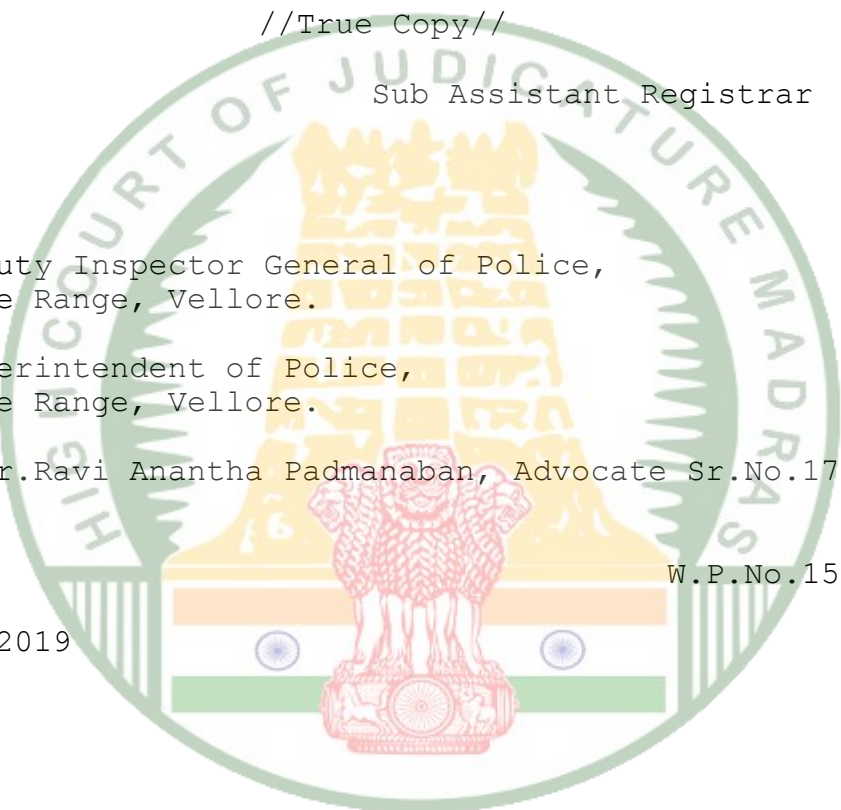
To

1. The Deputy Inspector General of Police,
Vellore Range, Vellore.
2. The Superintendent of Police,
Vellore Range, Vellore.

+1 cc to Mr.Ravi Anantha Padmanaban, Advocate Sr.No.17250

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KAN(CO)
CSL/19.03.2019



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