

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22300 of 2019
and W.M.P.Nos.21597 and 21599 of 2019

C.Tholkapiyan

...Petitioner

vs.

The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Home Department,
Fort St.George, Chennai - 09

...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorari, to call for the records of the impugned order in G.O.(2D)No.228 Home (Police-2) Department dated 23.07.2019 issued by the respondent and quash the same as illegal.

For Petitioner : Mr.C.Arul Vadivel @ Sekar

For Respondents : Mr.R.S.Selvam
Government Advocate

ORDER

The writ petition has been filed by the petitioner to quash the impugned order in G.O.(2D)No.228 Home (Police-2) Department dated 23.07.2019, issued by the respondent as illegal.

2.The case of the petitioner is that the petitioner joined service in the year 1987 as Sub Inspector of Police and after various promotions, now he is working as Assistant Commissioner of Police, Modern Control Room, Greater Chennai. While so, the Superintendent of Police, Ariyalur, issued charge memo Tha.Pa.No.13/2018 dated 11.04.2018 invoking Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules stating two allegations of misconduct under the Tamil Nadu Government Servants Conduct Rules, 1973.

3.After receiving the charge memo, the petitioner sent representations dated 28.05.2018, denying the allegations and requested to furnish the copy of the documents mentioned in the charge memo. He also undertook to cooperate with the enquiry. The petitioner further submitted that enquiry was commenced after the issuance of the charge memo. Since the petitioner reaches superannuation and the promotion to the post of Additional Superintendent of Police was affected, the petitioner filed W.P.No.871 of 2019 to conduct the enquiry and pass final orders within a stipulated time. This Court passed an order directing the official respondents to pass final order within a period of eight weeks.

4.As per the order of this Court, enquiry was commenced on 31.01.2019 and completed on 26.02.2019. The petitioner submitted his written explanation on 14.03.2019. Thereafter, on 08.05.2019, the petitioner sent a representation to the respondent to pass orders on the enquiry. Since the order of this Court was not considered, the petitioner issued contempt notice to the Director General of Police on 22.06.2019. Thereafter, on 23.07.2019 vide impugned order G.O.(2D)No.228, Home (Police-2) Department, the respondent placed the petitioner under suspension stating that the enquiry is pending and the same was served on the Deputy Commissioner of Police, Thiyagarayanagar District, Chennai Police, Chennai-17. Therefore, the petitioner is not allowed to retire from the service.

5.The contention of the petitioner is that since the enquiry is pending and the petitioner is now placed under suspension, seeking to quash the suspension order, this writ petition came to be filed.

6.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issues direction to the respondent to pass final orders on the disciplinary proceedings within a reasonable time as fixed by this Court.

7.Considering the facts and circumstances of the case, I am not inclined to interfere with the impugned order passed by the respondent. However, considering the limited request made by the learned counsel appearing for the petitioner and the petitioner's service was retained in the month of July 2019, I am inclined to issue direction to direct the respondent to complete the disciplinary proceedings and pass final orders within a period of 12 weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.10.2019

Index: Yes/No

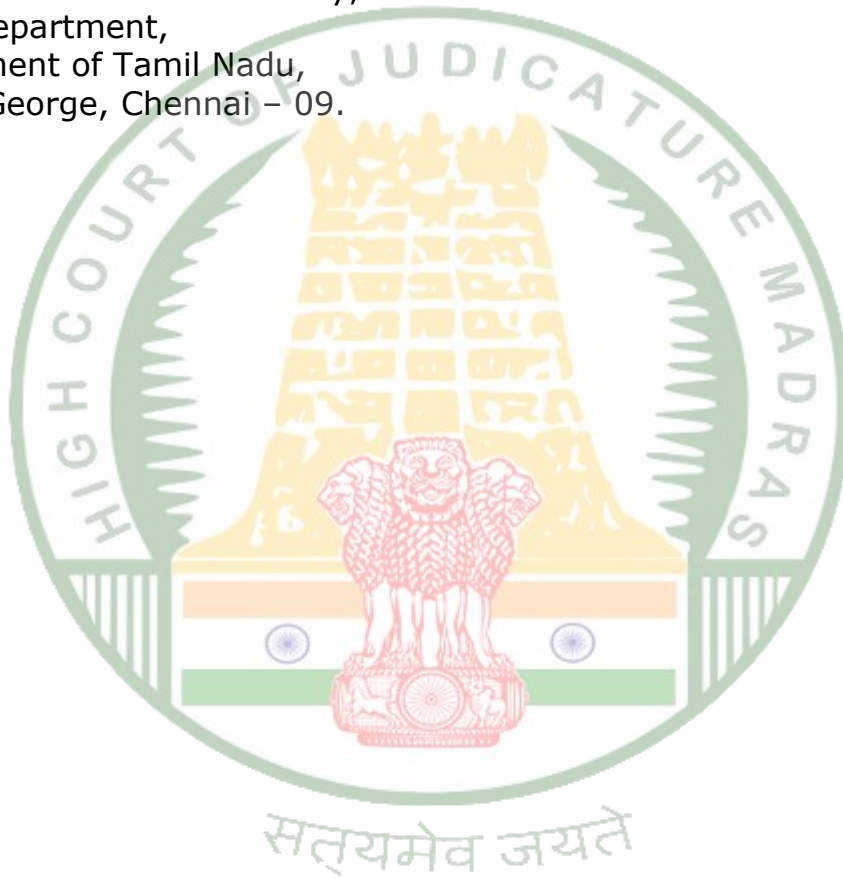
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To

The Additional Chief Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 09.

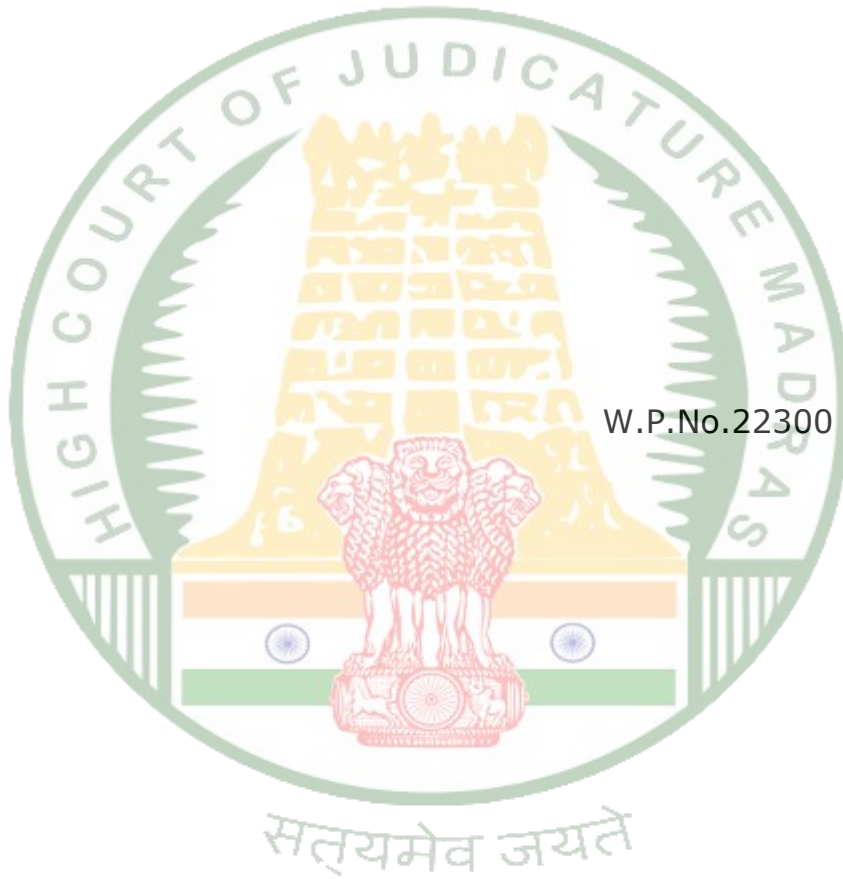


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