

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.34403 of 2018
and
W.M.P.No.39975 of 2018

A.Johnpeter
Sub Inspector of Police
Modern Control Room (MCR)
Greater Chennai Police
Egmore, Chennai - 600 220

.. Petitioner

..Vs..

1.The Joint Commissioner of Police,
South Zone, Greater Chennai Police
St.Thomas Mount, Chennai - 600 016.

2.The Deputy Commissioner of Police,
Modern Control Room,
Greater Chennai Police,
Vepery, Chennai - 7.

3.Deputy Commissioner of Police,
Greater Chennai Police,
Thiyagaraya Nagar,
Chennai - 17.

4.Deputy Commissioner of Police,
Greater Chennai Police,
Adyar District, Chennai - 600 020.

5.Assistant Commissioner of Police,
Saidapet Range,
Greater Chennai Police,
Saidapet, Chennai - 15.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records in respect of PR.No.25/PRS/2018 Rule 3(b) dated 31.10.2018 passed by the 5th respondent and quash the same.

For Petitioner	: Mr.V.P.Rajendran
For Respondents	: Mr.A.N.Thambidurai Special Government Pleader

O R D E R

The Enquiry Call letter dated 31.10.2018, is sought to be quashed in the present writ petition.

2. The writ petitioner is working as Sub-Inspector of Police. The petitioner joined as Grade-II Police Constable, during the year 1986 and promoted up-to the level of Sub-Inspector of Police. On account of certain allegations against the writ petitioner regarding the lending money through his wife by conducting a chit fund, an enquiry is proposed to be conducted.

3. In this regard, the Enquiry Call Letter was issued to the writ petitioner by the Assistant Commissioner of Police, Saidapet, in proceedings dated 31.10.2018. The writ petitioner instead of participating in the enquiry in order to prove his innocence or otherwise, challenged the very Enquiry Call Letter on the ground that the documents relied upon by the Department has not been furnished to him.

4. The learned Special Government Pleader appearing on behalf of the respondents states that the documents sought for, by the writ petitioner had already been furnished on 16.11.2018. In view of the fact that the documents were already furnished to the writ petitioner, it is left open to the writ petitioner to participate in the process of the enquiry in order to establish his innocence. However, no writ proceedings for the Enquiry Call Letter can be entertained in a routine manner. Such a letter, calling for an enquiry can be challenged only on limited grounds and on exceptional circumstances.

5. In the present case on hand, the writ petitioner has not established any such exceptional circumstances enabling this Court to consider the relief as such sought for in the present writ petition. Thus, the writ petitioner is bound to participate in the process of enquiry based on the documents furnished to him and accordingly the Competent Authorities shall proceed with the enquiry and take a decision on merits in accordance with law.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

smv/pns

To

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+1cc to Government Pleader sr.36305

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nr 18/06/2019

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