

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.04.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32241 of 2018

and

W.M.P.No.37498 of 2018

S.Chakravarthi

..Petitioner

vs

1.The Deputy Commissioner of Police
Chennai City Armed Reserve-I
Pudupet, Chennai - 02.

2.The Assistant Commissioner of Police
Chennai City Armed Reserve-I
Pudupet, Chennai - 02

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents from proceeding with the disciplinary proceedings dated 29.05.2018 in P.R.No.286/tha.pi.III(2)/2018 u/r 3(b) of TNPSS(D & A) Rules initiated against the petitioner till the conclusion of the criminal case FIR in Cr.No.549 of 2017 dt.26.09.2017 on the file of B5 Manavalan Nagar PS, Thiruvallur district on account of similar charges and allegations made in both proceedings.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

W E B C O P Y
O R D E R

The relief sought for in the present writ petition is to forbear the respondents from proceeding with the disciplinary proceedings dated 29.05.2018 in P.R.No.286/tha.pi.III(2)/2018 u/r 3(b) of TNPSS(DandA) Rules initiated against the petitioner till the conclusion of the criminal case FIR in Cr.No.549 of 2017 dt.26.09.2017 on the file of B5 Manavalan Nagar PS, Thiruvallur district on account of similar charges and allegations made in both proceedings.

2.The learned counsel appearing on behalf of the writ petitioner mainly contended that simultaneous proceedings are impermissible. In the present case on hand, on account of certain family disputes, the criminal case was registered against the writ petitioner and the same is pending before the competent Criminal Court of Law. However, the disciplinary authority framed the charges and continued the enquiry proceedings and the Enquiry Officer had already submitted his final report before the disciplinary authority.

3.This Court is of the considered opinion that when the departmental disciplinary proceedings had already been concluded, there is no reason whatsoever to consider the grounds raised by the writ petitioner to keep the departmental disciplinary proceedings in abeyance. In view of the fact that the enquiry proceedings had already been concluded, it is for the disciplinary authority to pass final orders based on the Enquiry report and the materials available on record.

4.This being the factum, no purpose would be served in the event of keeping the disciplinary proceedings in abeyance at this juncture and this apart, if the materials are available with the disciplinary authority, there is no bar for the continuance of the departmental disciplinary proceedings. Simultaneous proceedings are permissible. However, on exceptional circumstances, if the department is of an opinion that they are unable to proceed with the departmental disciplinary proceedings, then alone, the proceedings can be kept in abeyance and in all other circumstances, the disciplinary authority is at liberty to continue the departmental disciplinary proceedings, conclude the same and pass final orders.

5.In the present case on hand, the enquiry had already been concluded and therefore, the respondents are directed to pass orders on the disciplinary proceedings as expeditiously as possible and without causing any undue delay.

6.The learned counsel for the writ petitioner states that the time granted for submission of explanation/objections on the enquiry report had already been lapsed. Thus, the writ petitioner is at liberty to submit his explanations/objections on the enquiry report within a period of 15 days from the date of receipt of a copy of this order and on receipt of the explanations/objections from the writ petitioner, the disciplinary authority is at liberty to consider the issues on merits and pass orders on the disciplinary proceedings as expeditiously as possible and without causing any undue delay.

7.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

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Sub Assistant Registrar

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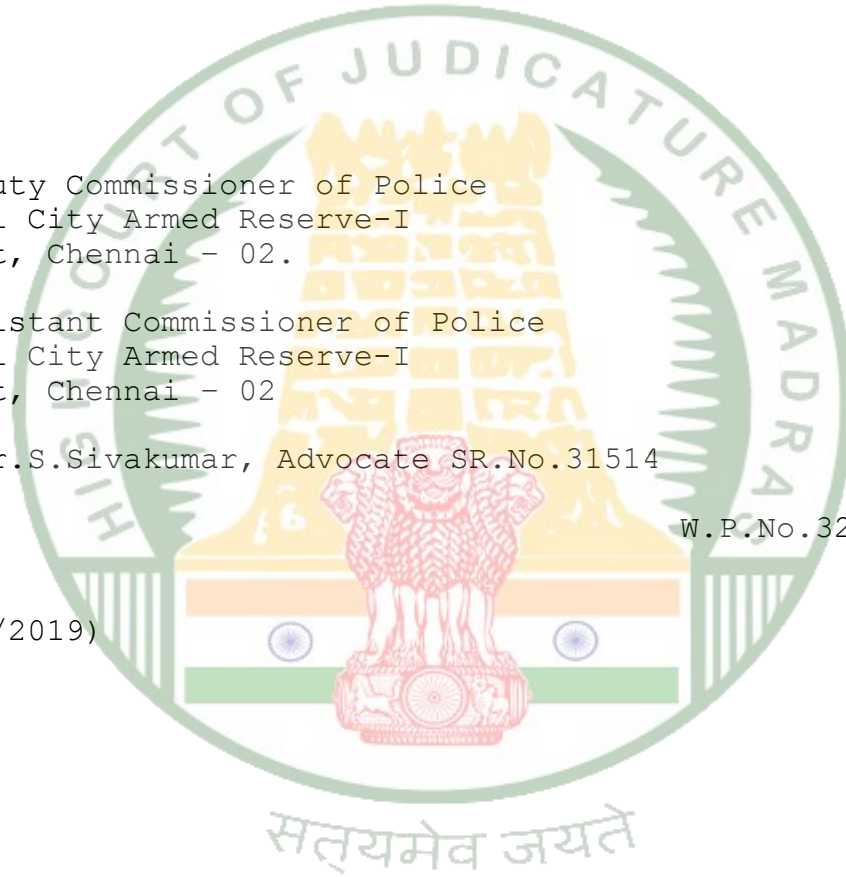
1.The Deputy Commissioner of Police
Chennai City Armed Reserve-I
Pudupet, Chennai - 02.

2.The Assistant Commissioner of Police
Chennai City Armed Reserve-I
Pudupet, Chennai - 02

+1cc to Mr.S.Sivakumar, Advocate SR.No.31514

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SS (CO)
GMY (07/05/2019)



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