



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

WEB COPY

**W.P. (MD) No.5379 of 2017
and W.M.P. (MD) .Nos.4269 and 16925 of 2017**

K.Shanmugarajeswaran

.. Petitioner

Vs.

1.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent in his proceedings in Na.Ka.No.B1/6540/2015, dated 20.01.2017 and the impugned suspension order of 2nd respondent in his proceedings C.No.F1/18226/2015, dated 30.06.2015 and quash the same and consequently reinstate the petitioner in service with all attendants benefits.

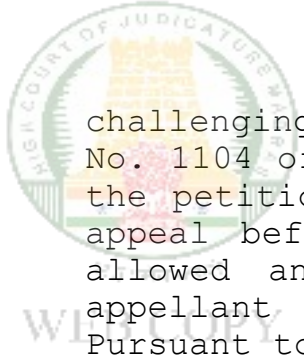
For Petitioner : Mr.N.Dharmar

For Respondents : Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This petition has been filed for issuance of writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent in his proceedings in Na.Ka.No.B1/6540/2015, dated 20.01.2017, and the impugned suspension order of 2nd respondent in his proceedings C.No.F1/18226/2015, dated 30.06.2015 and quash the same and consequently reinstate the petitioner in service with all attendants benefits.

2.According to the petitioner, he was working as the Special Sub Inspector at Kenikarai Police Station, Ramanathapuram District. He was suspended from service for pending criminal case in Crime No.3 of 2015 registered for the offence punishable under Sections 7, 13(2) and 13(1)(d) of the Prevention of Corruption Act 1988. According to the learned counsel for the petitioner, the co-delinquent namely Murugan who was working as Inspector of Police,



challenging the suspension order filed a writ petition in W.P.(MD). No. 1104 of 2017 before this Court and the same was decided against the petitioner. Aggrieved the same, the said Murugan filed a writ appeal before the Division Bench of this Court and the same was allowed and directed the respondent authority to reinstate the appellant in any non sensitive post at far away place forthwith. Pursuant to the order passed in the above said writ appeal, the said Murugan has been reinstated into the service subject to the outcome of the criminal case in Crime No.3 of 2015 pending on the file of Chief Judicial Magistrate, Ramanathapuram. Therefore, the learned counsel for the petitioner make a request before this Court that in the light of the aforesaid orders passed by the Division Bench of this Court as well as by the respondent department, the petitioner may be reinstate into the service subject to the outcome of the criminal case pending against him.

3.The learned Additional Government Pleader would submit that the petitioner shall make a representation before the authority concerned by placing all the materials and the same will be considered in the light of the aforesaid orders passed.

4.This Court considered the facts narrated by both parties. Taking note of the judgment passed in W.A.(MD).No.100 of 2017 and the order of revocation of suspension in respect of Murugan, Inspector of Police, subject to the outcome of the criminal case in Crime No.3 of 2015 pending on the file of the Chief Judicial Magistrate, Ramanathapuram and the submissions made by the learned Additional Government Pleader, the petitioner is directed to make a representation to the respondent authority within a period of one week from the date of receipt of a copy of this order with all the relevant papers. On receipt of such representation, the respondent authority shall consider the same and pass orders in accordance with law on the basis of the afore said orders, as expeditious as possible within a period of four weeks thereafter.

5.In the mean time, the learned Chief Judicial Magistrate, Ramanathapuram, is directed to dispose of the criminal case in Crime No.3 of 2015 pending on his file against the petitioner as expeditious as possible.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/ True Copy /



1.The Chief Judicial Magistrate,
Ramanathapuram.

2.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram District.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.N.DILIP KUMAR, Advocate
(SR-72226[F] dated 28/06/2019)

W.P (MD) No.5379 of 2017
27.06.2019

ES/08.07.2019/3P/5C