



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD) .No.9407 of 2017 and
WMP (MD) .No.7156 and 11225 of 2017

R. Perumal

.. Petitioner

Vs.

1.The Superintendant of Police,
District Police Office,
Nagapattinam,
Nagapattinam District.

2.The Commandant,
TSP 1st Battalion,
Trichy.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the 1st respondent dated 11.05.2017 in P.R.No.10/2017 and quash the same.

For Petitioner	:	Mr. N.Dilipkumar
For Respondents	:	Mr. Aayiram K. Selvakumar Additional Government Pleader

O R D E R

This Writ Petition has been filed to quash the impugned order passed by the 1st respondent, dated 11.05.2017 in P.R.No.10/2017.

2. According to the petitioner, while he was working as Superintendent in the office of the 2nd respondent / Department, the first respondent framed the charges for committing the mis-conduct of misappropriating a sum of Rs.12,958/-, which is to be paid to various police personnel / officers drawn in one pay Commission arrear bill and credited the same to his wife's savings account by manipulating the ECS statement both in soft and hard copies presented along with bills to Treasury. The petitioner challenged the said impugned charge memo before this Court and this Court by order, dated 24.05.2017 granted an interim stay pending Writ



3. At the time of hearing, the learned counsel appearing for the petitioner submitted that even though a larger relief is sought for in this Writ Petition, it would suffice, if a direction is issued to the first respondent to conclude the enquiry and pass final orders, within a time frame to be fixed by this Court. He further submitted that though the petitioner was superannuated on 31.07.2017, he is not in a position to get the retirement benefits, due to criminal case is pending against him.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has challenged the impugned charge memo and obtained an interim stay of further proceedings of the charge memo, dated 11.05.2017 and hence, the respondent / Department is not able to proceed with the enquiry. He would further submit that the delay is only on the part of the petitioner for completing the enquiry. However, within the reasonable time, the respondent will complete the enquiry and pass final orders.

5. Considering the submissions made by the learned counsel appearing on either side, this Court, without going in to the merits of the case, directs the first respondent to conclude the enquiry in the said proceeding and pass appropriate final orders, on merits and in accordance with law, as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1.The Superintendant of Police,
District Police Office,
Nagapattinam,
Nagapattinam District.



2.The Commandant,
TSP 1st Battalion,
Trichy.

WEB COPY

+1CC TO MR.N.DILIP KUMAR, Advocate Sr. No.79576

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 79723

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TR (19.08.2019) 3P 5C