



WEB COPY

W.A.(MD).No.1311 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.1311 of 2017

K.R.Sonamuthu

.. Appellant/Petitioner

Vs.

1.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

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

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.6067 of 2016 dated 11.04.2017.

Prayer in WP(MD) . 6067/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in C.No.C1/19261/2014, R.O.O.No.531/2014, dated 21.11.2014, and the consequential order passed by the 1st respondent dated 20.11.2015 in C.No.C1/19261/2014, and quash the same and consequently direct the respondents to reinstate the petitioner in service.

For Appellant	: Mr.C.Arul Vadivel @ Sekar
For Respondents	: Mr.A.K.Baskara Pandian Special Government Pleader

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the appellant and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.

2.This appeal is directed against the order passed in W.P. (MD).No.6067 of 2016 dated 11.04.2017. In the said writ petition, the learned Single Bench declined to quash the order of suspension

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and to interfere with the order to review the said order of suspension passed against the appellant/petitioner and refused to direct the respondents to reinstate him into service. The appellant/petitioner was working as Inspector of Police and he was caught in a trap case while receiving bribe. Accordingly, a case was registered in Crime No.11 of 2014 for the offence punishable under Sections 7 and 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act 1988 and the appellant/petitioner was arrested on 06.08.2010.

3.It is the submission of the learned counsel for the appellant that the appellant has been placed under suspension from 2014 and that the said prolonged suspension is bad in law. In this regard, the learned counsel referred to various decision of this Court as well as the Hon'ble Supreme Court.

4.In our considered view, there is a slight distinction in the facts of the present case. The order of suspension is not to conduct an enquiry into the departmental charge memo, but on account of involvement in a criminal case under the provisions of Prevention of Corruption Act, followed by the arrest. Therefore, the legal principal that prolonged suspension should not be resorted to, cannot be pleaded to the facts of the present case.

5.We are informed by the learned special Government Pleader appearing for the respondents that the trial has commenced and 5 witnesses have already been examined, which will be concluded as expeditiously as possible.

6.Considering the fact that we do not propose to take a different view from the view taken by the learned single Bench we find no error in the order passed in the writ petition.

7.For the above reasons, this writ appeal stands dismissed. No costs. However, we direct the Special Judge for Special Case in PCR Act, Tirunelveli, to dispose the case in S.P.No.7 of 2015 as expeditiously as possible, subject to the appellant extending full co-operation. In the event the criminal case does not get concluded within a period of three months from the date of receipt of a copy of this judgment, then it is open to the respondent to review the order of suspension in the manner known to law.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Special Judge for Special Case in PCR Act,
Tirunelveli.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

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

+1 CC to Mr.C.ARUL VADIVEL@ SEKAR, Advocate SR-84932.

ORDER MADE IN
W.A. (MD) .No.1311 of 2017

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