



WEB COPY

W.A.(MD).No.908 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.908 of 2017

and

C.M.P. (MD) .No.6107 of 2017

1.The Deputy Inspector General of Police,
Madurai Region, Madurai.

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

3.The Additional Deputy,
Superintendent of Police(Crime)
Office of Superintendent of Police,
Virudhunagar,
Virudhunagar District.

... Appellants/Respondent Nos.1 to 3

Vs.

V.S.Ilangovan
Head Constable,
Pandalgudi Police Station,
Virudhunagar District.

..Respondents/Writ petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.9386 of 2016 dated 28.11.2016.

Prayer in WP(MD) . 9386/ 2012 :

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 relating to the impugned order passed by the 1st Respondent in his proceedings in Tha.Pa.No.69/2007 dated 25-05-2007 and quash the same as illegal and consequentially to direct the 2nd Respondent upgrade the petitioner as Special Sub Inspector of Police on par with the Petitioner junior within the period that may be stipulated by this Honourable Court.

For Appellants : Mr.A.k.Baskara Pandian
Special Government Pleader

For Respondent : Mr.H.Mohammed Imran
for M/s.Ajmal Associates



JUDGMENT

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

Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellants and Mr.H.Mohammed Imran, learned counsel appearing for the respondent.

2.This appeal filed by the Deputy Inspector General of Police and two others is directed against the order passed in W.P.(MD). No.9386 of 2012 dated 28.11.2016.

3.After elaborately hearing the learned counsels, we find that the order and direction issued by the Writ Court are perfectly justified. For better appreciation, the following paragraphs of the impugned order quoted for ready reference:

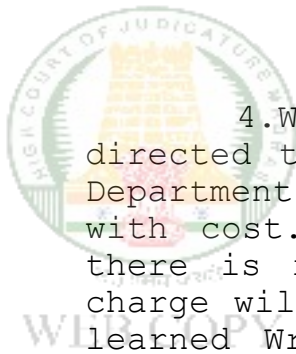
"9.Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the departmental proceedings has not been completed and no progress was reported.

10.In support of his submissions, the learned counsel for the petitioner relied on the decision in **State of Tamil Nadu, Rep by its Secretary to Government, Personnel and Administrative Reforms(Q) Dept., Chennai vs. T.Ranganathan** reported in 2010(3) **MLJ 625**, wherein it is held that

"a charge memo issued to the petitioner was not maintainable after time granted by the Tribunal expired without any extension of time applied for by the department."

11.It is the contention of the learned counsel that the outer time limit fixed by the Court of Law without taking any extension of time by giving sufficient reasons, the respondents cannot maintain the charge memo.

12.In the present case, it is seen that for the past seven years, the respondents have not proceeded with the departmental enquiry pursuant to the charge memo issued to the petitioner other than the appointment of the enquiry officer. Thus, it is a ground for quashing the charge memo for delay. More so, after setting out a outer limit for conclusion of the proceedings, the respondents have not move forward and it would amount to deliberate delay and therefore, the impugned charge memo shall be quashed. Accordingly, the impugned charge memo is quashed."



4. When this Court at the instance of the writ petitioner, directed the disciplinary proceedings to be concluded earlier, the Department filed writ appeal against the order which was dismissed with cost. The department proceedings were not concluded. Though there is no specific order passed in the writ petition that the charge will abate, considering the general things, we find that the learned Writ Court was perfectly justified in allowing the writ petition.

5. For the above reason, the writ appeal is dismissed and the charge memo filed against the respondent/writ petitioner is quashed and the appellant/Department are directed to extend all the consequential benefits to the appellant within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Deputy Inspector General of Police,
Madurai Region, Madurai.
2. The Superintendent of Police,
Virudhunagar, Virudhunagar District.
3. The Additional Deputy,
Superintendent of Police (Crime)
Office of Superintendent of Police,
Virudhunagar, Virudhunagar District.

+1CC to SPL GP Sr.No.87864.

+1CC to M/s.Ajmal Associates Sr.No.90135.

ORDER MADE IN

W.A. (MD) .No.908 of 2017

and

C.M.P. (MD) .No.6107 of 2017

25.09.2019

CS(17.10.2019) 3P 6C