



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.3599 of 2011

and

M.P.[MD]Nos.1 & 2 of 2011

K.S.K.Thiyagarajan

... Petitioner

Vs.

The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the respondent made in his proceedings C.No.F1/9176/2011 (D.O.265/2011) dated 25.02.2011 whereby the petitioner was placed under suspension and C.No.F1/9176/2011 (D.O.267/2011) dated 28.02.2011 whereby the petitioner was not allowed to retire and quash the same.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.C.Ramar

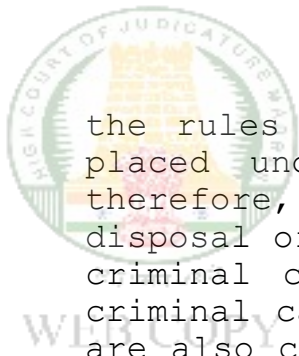
Additional Government Pleader

O R D E R

The order of suspension dated 25.02.2011, is under challenge in the present writ petition. The writ petitioner was placed under suspension on account of the fact that a criminal prosecution was initiated against the writ petitioner in respect of an accident of custodial death of one Kalidoss on 20.09.1997 at Dhalavaipuram police station. The criminal prosecution was pending with the Revenue Divisional Officer, Sivakasi, as per the letter dated 18.05.2007. It is not made clear whether the criminal case is still pending or not.

2.However, the fact remains that the order of suspension was issued placing the writ petitioner under suspension on the eve of his retirement. The writ petitioner was due to retire from service on 28.02.2011 and the order of suspension was issued on 25.02.2011. Under these circumstances, the order of suspension cannot be revoked. However, the order of suspension is to be revoked only after the disposal of the criminal case as well as the departmental disciplinary proceedings initiated against the writ petitioner.

3.Pending disciplinary proceedings as well as the criminal case, an employee cannot be allowed to retire from service as per



the rules in force. In the present case, the writ petitioner was placed under suspension during the eve of his retirement and therefore, all further actions are to be initiated only after the disposal of the departmental disciplinary proceedings as well as the criminal case initiated against the petitioner. If at all the criminal case is over and the departmental disciplinary proceedings are also concluded then, appropriate actions can be taken to revoke the order of suspension or pass any other suitable orders in accordance with the facts and circumstances and thereafter, the benefits due to the writ petitioners are to be settled.

4. With these observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To
The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

+1cc to Mr.S.RAMASAMY, Advocate, SR.No. 67970
+1cc to M/s.Special Government Pleader, SR.No. 67895

W.P[MD] No.3599 of 2011
10.06.2019

MR
KK/SAR/14.06.2019/2P-4C