

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2641 of 2020

and W.M.P No.3079 of 2020

T.Kamarajan

Petitioner

vs.

Deputy Inspector General of Police,
Vellore Range, Vellore District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondent from passing the final orders in Disciplinary Proceedings vide Na.Ka.No.H1(1)/PR.No.98/2019 dated 14.10.2019 against the petitioner until conclusion of the criminal prosecution vide C.C.No.1 of 2019 on the file of CJM, Vellore.

For Petitioner : Mr.Ravi Anantha Padmanaban

For Respondent : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

ORDER

This writ petition has been filed to forbear the respondent from passing the final orders in the disciplinary proceedings initiated against the petitioner until conclusion of the criminal trial.

2.Heard Mr.K.Ravi Anantha Padmanaban, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondent.

3.It is seen from records that the order of suspension passed against the petitioner became a subject matter of challenge before this Court and ultimately, it reached the Division Bench in W.A.No.3957 of 2019. The Division Bench, after considering the entire facts and circumstances of the case, by an order dated 19.11.2019, directed the authorities to complete the enquiry proceedings within a period of three months and the petitioner was also directed to co-operate with the completion of the disciplinary proceedings. Pursuant to the orders passed by the Division Bench, the authorities proceeded further with the enquiry and the examination of

witnesses has been completed. At this stage, the present writ petition has been filed before this Court on the ground that in both the disciplinary proceedings as well as the criminal proceedings, same witnesses are being examined and therefore, no final order should be passed in the disciplinary proceeding till the conclusion of the criminal proceedings.

4.If this Court entertains this writ petition on the ground that has been raised by the petitioner, it will virtually amount to staying the orders passed by the Division Bench. This is an issue which the petitioner could have raised before the Division Bench. Therefore, if the petitioner wants the respondent not to pass final orders till the conclusion of the criminal proceedings, it will be appropriate for the petitioner to approach the Division Bench and seek for a clarification of the order. This Court does not want to pass any order, as it will contradict the earlier directions given by the Division Bench.

5.In view of the above, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1. Deputy Inspector General of Police,
Vellore Range, Vellore District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Ravi Ananda Badmanaban , Advocate SR.No. 8876

+1 cc to Government Pleader Sr.No. 10020

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A.SK(07/02/2020)