

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :14.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.31698 TO 31702 OF 2013

AND

M.P.NOS.1,1,1,1 & 1 OF 2013

M.Ravikumar ... Petitioner in WP.31698/2013
A.Gopal ... Petitioner in WP.31699/2013
R.Dilli ... Petitioner in WP.31700/2013
D.Ravikumar ... Petitioner in WP.31701/2013
G.Jeyaraman ... Petitioner in WP.31702/2013

- Vs -

1. State of Tamil Nadu
Rep. by its Principal Secretary,
Fort. St. George,
Chennai 600 009.
2. The Director of General of Police,
Mylapore, Chennai 600 004.
3. The Commissioner of Police,
Chennai 600 008. ... Respondents in all WPs.

Prayer in WP.NO.31698/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus, call for the records made in the impugned G.O.(2D) No.514 Home (Police IVA) Department dated 3.9.2013 passed by the 1st respondent, quash the same and further direct the respondents to reinstate the petitioner in service Police Constable 11409 with all attendant service benefits forthwith.

Prayer in WP.NO.31699/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus, call for the records made in the impugned G.O.(2D) No.509 Home (Police IVA) Department dated 3.9.2013 passed by the 1st respondent, quash the same and further direct the respondents to reinstate the petitioner in service as Sub Inspector of Police (AR) with all attendant service benefits forthwith.

Prayer in WP.NO.31700/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus, call for the records made in the impugned G.O.(2D) No.510 Home (Police IVA) Department dated 3.9.2013 passed by the 1st respondent, quash the same and further direct the respondents to reinstate the petitioner in service as Head Constable 7164 with all attendant service benefits forthwith.

Prayer in WP.NO.31701/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus, call for the records made in the impugned G.O.(2D) No.513 Home (Police IVA) Department dated 3.9.2013 passed by the 1st respondent, quash the same and further direct the respondents to reinstate the petitioner in service as Police Constable 11446 with all attendant service benefits forthwith.

Prayer in WP.NO.31702/2013:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus, call for the records made in the impugned G.O.(2D) No.512 Home (Police IVA) Department dated 3.9.2013 passed by the 1st respondent, quash the same and further direct the respondents to reinstate the petitioner in service as Police Constable 10363 with all attendant service benefits forthwith.

In all WPs.

For Petitioner : Mr.Venkatasethan for
M/s.D.Kanagasundaram

For Respondents: Mr.A.Kumar AAG assisted
: Mr.G.Chinnadurai, AGP

COMMON ORDER

As the relief sought for in all these petitions are in similar, they are disposed of by this common order.

2. Learned counsel appearing for the petitioners submitted that the issue in the present case relates to the escape of TADA accused from the hands of the petitioners, which resulted in initiation of disciplinary proceedings against the petitioners and in exercise of the powers conferred under Article 311 (2) of the Constitution of India, the 1st respondent dismissed the petitioners from service by issuing the respective Government Orders. The very same Government Orders were challenged before the State Administrative Tribunal in O.A.Nos.3168 to 3173 of 1993, which was dismissed by order dated 12.06.1997. Aggrieved against the order of State Administrative Tribunal, the petitioners filed a writ petition before the Hon'ble Division Bench of this Court in WP.No.17813, 17814/97, and this Court by its order dated 23.06.1999, dismissed the writ petitions and confirmed the order passed by the State Administrative Tribunal. In the mean while, a case was registered by the 'Q' Branch CID in Cr.NO.1/93 under Section 221 of IPC. In the criminal case, the petitioners were acquitted by the Judicial Magistrate, Chengalpattu in C.C.No.272/97 on 09.08.2005. Aggrieved against the same, the State preferred an appeal before this Court in CrI.A.No.226/06, and this Court by its order dated 19.03.2012 dismissed the above criminal appeal and confirmed the judgement passed by the trial Court. Again the said order, the State has filed SLP in CrI.MP.No.(S) 23168, which is still pending before the Hon'ble Supreme Court of India. In view of the above, the Government orders having been confirmed by the Tribunal and subsequently affirmed by this Court, it is fairly conceded that petitioners have to work out their remedy in the petitions pending before the Hon'ble Supreme Court to revisit the punishment. Therefore, it is prayed that these petitions may be closed granting liberty to the petitioners to work out their remedy in a manner known to law.

3. On the above contention, this Court heard the learned Addl. Advocate General, appearing for the respondent, has no serious objection for granting liberty.

4. In such view of the matter, while dismissing the writ petitions, in view of the fact that appeal filed by the State is pending before the Hon'ble Supreme Court of India against the order passed by this Court in the criminal case, liberty is

granted to the petitioners to work out their remedy in the manner known to law. Consequently, connected miscellaneous petitions are closed. However there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Principal Secretary,
State of Tamil Nadu
Fort. St. George,
Chennai 600 009.

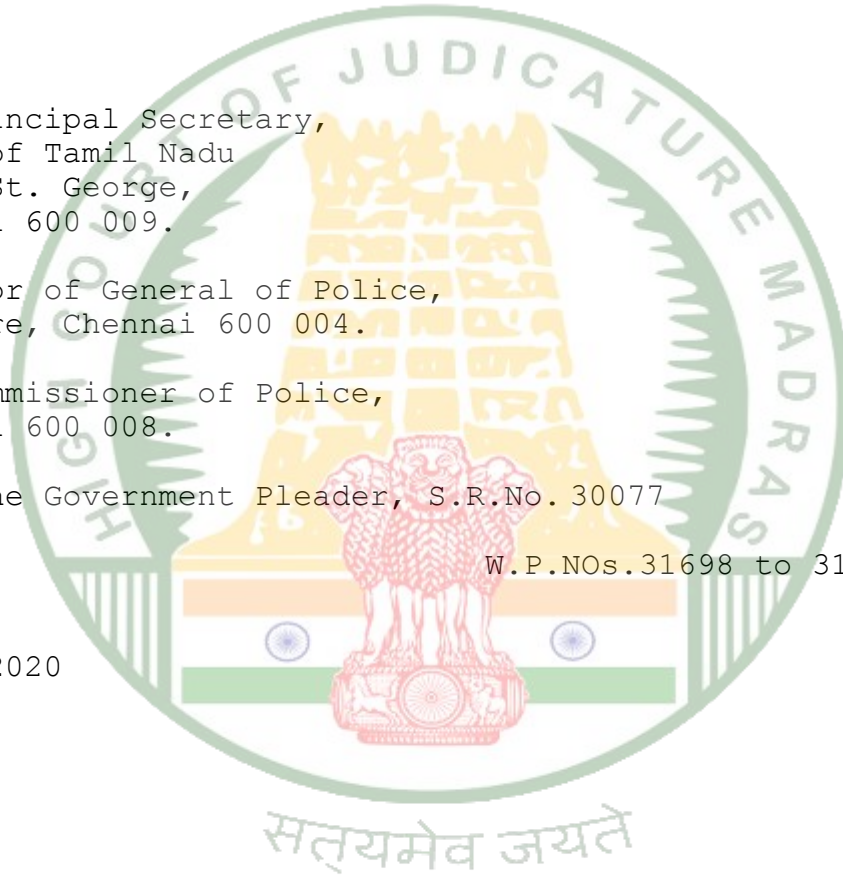
2. Director of General of Police,
Mylapore, Chennai 600 004.

3. The Commissioner of Police,
Chennai 600 008.

+1cc to the Government Pleader, S.R.No. 30077

W.P.NOs.31698 to 31702 OF 2013

PP(CO)
CS/02/11/2020



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