

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8712 of 2020
and
W.M.P.No.10566 of 2020

N.Muthukrishnan, H.C.20928,
Head Constable, ALGSC,
O/o The Superintendent of Police,
Vellore. Petitioner

versus

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai - 600 007.
- 3.The Deputy Commissioner of Police,
Mylapore District,
Mylapore, Chennai - 600 004. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 26.03.2020 vide Rc.No.PR.I(1)/SMR-101/221/94299/2019 passed by the second respondent and quash the same, consequently direct the respondents to regularise the suspension period as on duty and award all consequential benefits.

WEB COPY

For Petitioner : Mr.M.S.Soundararajan

For Respondents: Mr.M.Elumalai
Government Advocate

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents. By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.It is the case of the petitioner that he joined as Police Constable in the year 1999 and was promoted as Head Constable in the year 2014. While so, he was placed under suspension vide order dated 01.05.2018. Subsequently, he was issued with a charge memo dated 15.09.2018, alleging that while he was serving in E5 Pattinapakkam Police Station, he was having illegal connection with one Sathyamurthy @ Karuvadu, who was involved in a case in Cr.No.237/2018 registered on the file of E4 Abiramapuram Police Station for the offences punishable under Sections 28, 29(1), 8(c), 20(b)(ii)(B) NDPS Act. After enquiry, the Officer has drawn a 'not proved minute' on 18.03.2019. But, the said report was not accepted by the third respondent/disciplinary authority, who after following due process of law, imposed a punishment of postponement of increment for one year with cumulative effect on the petitioner on 17.06.2019. Having disagreement with the decision so taken by the disciplinary authority, the second respondent suo moto initiated review proceedings and issued a show cause notice dated 15.11.2019, to which, the petitioner submitted his detailed explanation on 08.02.2020. However, the second respondent passed an order dated 26.03.2020, enhancing the punishment as one of compulsory retirement. Feeling aggrieved over the same, the petitioner has preferred this writ petition to quash the same and for consequential relief.

3.Though the petitioner raised several grounds to assail the order impugned herein, the learned counsel for the petitioner during the course of argument, submitted that as against the order passed by the second respondent, the petitioner filed an appeal on 18.05.2020 before the first respondent and hence, it would suffice, if a direction is given to the first respondent to dispose of the said appeal within a time frame to be stipulated by this Court.

4.The learned Government Advocate taking notice for the respondents, has no serious objection for granting such relief to the petitioner.

5.Considering the limited nature of the relief now sought by the learned counsel for the petitioner and the same has not been

seriously opposed on the side of the respondents, this Court feels it appropriate to direct the first respondent to dispose of the appeal so filed by the petitioner.

6. Accordingly, this writ petition is disposed of, directing the first respondent to consider the appeal dated 18.05.2020 filed by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner, within a period of twelve weeks from the date of uploading the copy of this order in the website. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai - 600 007.
- 3.The Deputy Commissioner of Police,
Mylapore District, Mylapore, Chennai - 600 004.

W.P.No.8712 of 2020 and
W.M.P.No.10566 of 2020

nr[co]
srg 25/08/2020

WEB COPY