

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9065 of 2020
and
W.M.P.No.11038 of 2020

S.Kamalraj

.... Petitioner

Vs.

1.The Director General of Police,
O/o.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai-600 004

2.The Joint Commissioner of Police,
O/o.The Joint Commissioner of Police,
East Zone,
Chennai-600 008

3.The Inspector of Police (L & O),
F-2, Egmore Police Station,
Chennai-600 008

4.The Inspector of Police (L & O),
S5, Pallavaram Police Station,
Chennai-600 043

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order of suspension passed by the 2nd respondent in R.C.No.141/5394/PR/EZ/2020, EZO.No.221/2020 dated 20.04.2020 and quash the same and consequently, direct the 2nd respondent to reinstate the petitioner into service as Head Constable.

For Petitioner : Mr.G.Balamanikandan

For Respondents : Mr.P.S.Siva Shanmugha Sundaram
Special Government Pleader

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed seeking the following prayer:

"To call for the entire records connected with the impugned order of suspension passed by the 2nd respondent in R.C.No.141/5394/PR/EZ/2020, EZO.No.221/2020, dated 20.04.2020, and quash the same and consequently, direct the 2nd respondent to reinstate the petitioner into service as Head Constable".

2.The case of the petitioner is that the petitioner was working as Head Constable and was placed under suspension, vide order dated 20.04.2020, under Rule 3(e)(1)(ii) of the Tamil Nadu Police Sub-ordinate Service (D&A) Rules 1955. The suspension order was passed pursuant to a complaint against the petitioner regarding criminal offence, which is under investigation.

3.When the matter is taken up for admission, the learned counsel appearing for the petitioner made a detailed submission on the factual aspects, which gave rise to the filing of complaint and in the culmination of issuance of the impugned suspension order. Even, in the grounds raised in support of the challenge, it appears that the petitioner is not challenging the suspension order on any legally sustainable ground, but on the reasons which are actually his explanation to his conduct.

4.It is trite in law that a suspension order cannot be interfered with by this Court on the basis of certain factual pleas of the petitioner and any suspension order can be interfered with only on a limited ground like jurisdictional error or not, authorized by any Rules or Regulations.

5.This Court is not convinced that a writ petition can be entertained on the basis of self serving averments of the petitioner and embark upon the factual areas of controversy between the petitioner and the Department. It is certainly outside the scope of appreciation of this Court in exercise of its power under Article 226 of the Constitution of India. Moreover, the suspension order is also of a recent origin and therefore, the decisions on suspension by the Hon'ble Supreme Court and this Court may not be applicable to the case on hand.

6.For the above said reasons, this Court finds that there is no merit in the writ petition and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

msk/mrm

To

1.The Director General of Police,
O/o.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai-600 004

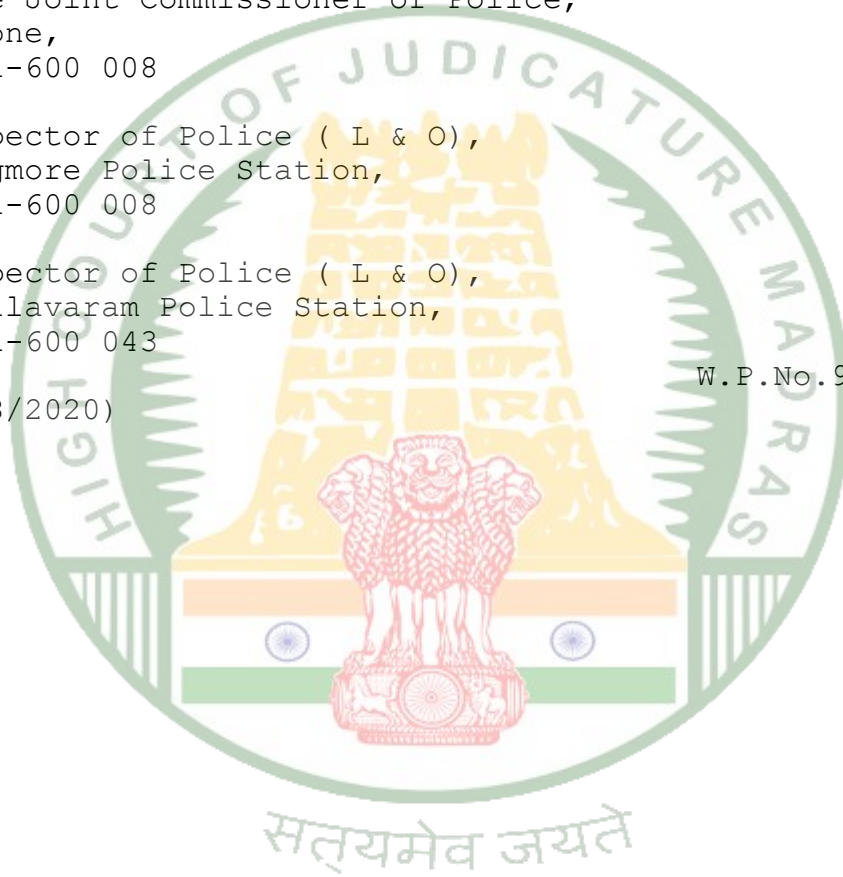
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A.SK(03/08/2020)



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