



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.547 of 2020

and

W.M.P(MD) No.411 of 2020

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... Petitioner

/vs./

1.The Deputy Inspector General of Police,
Madurai Region, Madurai.

2.The Superintendent of Police,
Virudhunagar, Virudhunagar District.

3.The Additional Deputy Superintendent of Police, (Crime)
Office of Superintendent of Police,
Virudhunagar, Virudhunagar District. ... Respondents

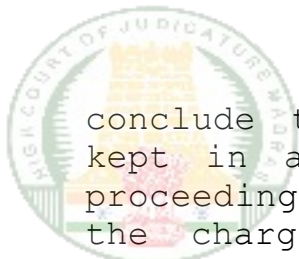
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings dated 25.05.2007 in PR.No.68 of 2007 issue by the Deputy Inspector General of Police, Madurai range, Madurai and quash the same.

For Petitioner	:	Mr.N.Dilip Kumar
For Respondents	:	Mr.M.Karuppasamy Government Advocate

ORDER

In connection with the occurrence that took place when the petitioner herein who was employed as Grade-II Police Constable, a criminal case and counter case came to be registered in Crime Nos.366 and 367 of 2004. Based on the same, the charge memo came to be levelled against the petitioner on 25.05.2007 in PR.No.68 of 2007. Incidentally, the persons named in crime No.367 of 2004 were also levelled with the similar charge memo in PR.Nos.66, 67, 69 and 70 of 2007. One of the co-delinquent namely V.S.Ilangovan was dealt with under charge memo in PR.No.69 of 2004 by the first respondent herein.

2.Though the charges were framed in the year 2007, there was no progress in the departmental action and therefore, the aforesaid co-delinquent namely V.S.Ilangovan had filed a writ



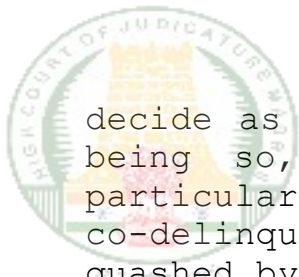
conclude the departmental proceedings, since his promotion was kept in abeyance in view of the pendency of the departmental proceedings. This Court by an order dated 28.11.2016, had quashed the charge memo on the ground of laches in completing the departmental proceedings. The said order of the learned Single Judge dated 28.11.2016 was put under challenge in an appeal in W.A (MD) No.908 of 2017 and the Hon'ble Division Bench of this Court, by an order dated 25.09.2019, had dismissed the writ appeal and consequently, directed the respondents to extend all the benefits to the co-delinquent.

3.Likewise, when another delinquent D.Jeyaseelan Koilraj Mathew who was proceeded against in PR.No.67 of 2007 had filed a writ petition in W.P(MD) No.7698 of 2019 challenging the charge memo, this Court by an order dated 18.12.2019 had placed reliance on the earlier orders passed by this Court, in the case of co-delinquent namely V.S.Ilangovan and had quashed the charge memo in PR.No.67 of 2004.

4.The petitioner herein is also similarly placed as that of the other two delinquents, whose charges have been quashed by this Court on the ground of laches.

5.The fact remains that the departmental action as against the petitioner herein is still pending even after expiry of more than 13 years. The learned Government Advocate appearing for the respondents, as per oral instructions from Senthil Kumar, Junior Assistant attached to the first respondent herein would oppose the present writ petition stating that the respondents are contemplating to file a review petition against the order passed in the writ appeal in the case of V.S.Ilangovan. It is rather unfortunate that though the learned Single Judge of this Court had passed orders on 28.11.2016 quashing the charges as against the one of the co-delinquent and the Division Bench has also affirmed the said order on 25.09.2019, no review has been filed till date and the first respondent is still contemplating to file a review petition, which has admittedly not been filed till date and on that ground they seek to oppose the present writ petition.

6.I am unable to appreciate the conduct of the first respondent in raising such a flimsy ground. When all the legal grounds, which are available against the petitioner and are similar to that of the co-delinquent, had been raised before this Court and the respondents have also failed in their attempts, the proper remedy would have been to immediately act upon the orders passed and not to wait indefinitely with the contemplation to file a review. As a matter of fact, almost four months have lapsed since the Division Bench's order has been passed and no effective and speedy action has been taken by the first respondent, even to



decide as to whether the review can be filed or not. While that being so, I do not find any justification on this ground, particularly when the charges against the co-delinquents, who are similarly placed, have already been quashed by this Court.

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7.In the light of the above observations, the impugned proceedings dated 25.05.2007 in P.R.No.68 of 2007, issued by the first respondent herein, stands quashed. Consequently, the petitioner shall be entitled for all the monetary and service benefits, to which he may be otherwise entitled to in the absence of the charge memo in PR.No.68 of 2007 levelled against him. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Deputy Inspector General of Police,
Madurai Region, Madurai.

2.The Superintendent of Police,
Virudhunagar, Virudhunagar District.

3.The Additional Deputy Superintendent of Police, (Crime)
Office of Superintendent of Police,
Virudhunagar, Virudhunagar District.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-5070[F] dated
06/02/2020)

+1 CC to SPL GP (SR-5235[F] dated 07/02/2020)

Order made in
W.P. (MD)No.547 of 2020
06.02.2020

_KM/ (02.03.2020) 3P 6C