



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2020

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No. 6761 of 2020

M.Balasingam

... Petitioner

-Vs-

The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

... Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondent to revoke the suspension of the petitioner and reinstate the petitioner in light of Order passed in the Special Case No.10/2012 on the file of the Special Judge/Chief Judicial Magistrate, Nagercoil dated 04.02.2020 and consequentially for a direction, directing the respondent to consider the representation made by the petitioner dated 13.02.2020 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.M.Muthu,
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondent to revoke the suspension of the petitioner and reinstate the petitioner in light of the Order passed in the Special Case No.10/2012, on the file of the Special Judge/Chief Judicial Magistrate, Nagercoil dated 04.02.2020 by considering his representation dated 13.02.2020 within a stipulated time that may be fixed by this Court.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.M.Muthu, learned Additional Government Pleader appearing for the respondents.



3. The learned counsel appearing for the petitioner would submit that the petitioner was suspended sometime in the year 2011 pursuant to the involvement in a criminal case and in the said criminal case, which was tried by the Special Judge/Chief Judicial Magistrate, Nagercoil in Special Case No.10 of 2012, after full-fledged trial, the petitioner was acquitted vide judgment of the said Court, dated 04.02.2020. Since the petitioner has been completely acquitted by the trial Court in the criminal case, which was the only reason, the petitioner was placed under suspension for all these years, the petitioner has approached the respondent by way of representation, dated 13.02.2020 to revoke the said suspension and to reinstate him. Since the said representation has not been so far considered, the petitioner is before this Court. Hence, the learned counsel appearing for the petitioner wants that the representation to be considered on merits and an order to that effect to be passed within a time frame.

4. Mr.M.Muthu, learned Additional Government Pleader appearing for the respondent would submit that the petitioner has been acquitted in the criminal case by the trial Court. The respondent is exploring the possibility to prepare the appeal against such order of acquittal and therefore, immediately the petitioner cannot seek indulgence of the respondent to consider the revocation of suspension and reinstate him. Nevertheless, the said representation of the petitioner dated 13.02.2020 would be considered on merits and in accordance with law within a reasonable time to be fixed by this Court.

5. Considering the said submissions made by both sides and taking into account the factual matrix, this Court is inclined to pass the following orders:

" the respondent is hereby directed to consider the representation of the petitioner dated 13.02.2020 and pass orders thereon on merits and in accordance with law by taking into account the criminal case, which was pending all along, has been ended in acquittal by the judgment of the concerned criminal Court dated 04.02.2020 in Special Case No.10 of 2012 and such order shall be passed by the respondent within a period of eight weeks from the date of receipt of a copy of this order."

6. It is made clear that a copy of the representation dated 13.02.2020 can also be forwarded along with the copy of this order to the respondent for the sake of immediate action to be taken by the respondent.

7. With this direction, this writ petition is disposed of. No



Sd/-

Assistant Registrar (CS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

Order made in
W.P. (MD) No. 6761 of 2020

Dated:
06.07.2020

SPU (14.07.2020) 3P 2C