



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **22.01.2020**
CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A. (MD)No.219 of 2019
and
C.M.P. (MD)No.1823 of 2019

G.Chakkaravarthy : Appellant/Petitioner
Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
O/o. the Director General of Police,
Tamil Nadu,
Chennai - 600 004.

3.The Additional Director General of Police,
O/o. the Director General of Police,
Law and Order,
Chennai - 4.

4.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

5.The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
Law and Order,
Tirunelveli City,
Tirunelveli District.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent praying to set aside the order dated 01.02.2019 passed by the learned Judge in W.P.(MD)No.1028 of 2019 and allow the Writ Petition.

Prayer in WP(MD). 1028/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of
<https://hcservices.ecourts.gov.in/hcservices/>



Certiorari calling for the records relating to the impugned order passed by the 4th respondent in his proceedings in Rc.No.A1 / 000982 / 2019 dated 12/01/2019 and consequential impugned order passed by the 5th respondent in his proceedings in C.No.04/Camp/DC (L&O) / Tin.City/2019 dated 12/01/2019 and quash the same.

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For Appellant : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskara Pandian,
Special Government Pleader

JUDGMENT

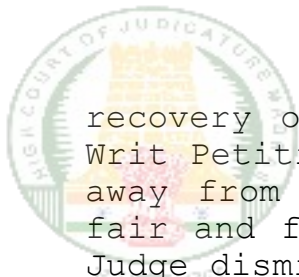
N.KIRUBAKARAN, J.

AND

S.S.SUNDAR, J.

The appellant is the petitioner in the Writ Petition in W.P. (MD)No.1028 of 2019. The appellant filed a Writ Petition challenging the transfer order and the consequential order of fifth respondent dated 12.01.2019 relieving the appellant.

2.The appellant while in service as Assistant Commissioner of Police (L & O), Palayamkottai Sub Division, Tirunelveli city, was transferred and brought to V.R. at Chief Office, Control Room, Chennai, by the impugned order dated 12.01.2019. In the same order, the Assistant Commissioner of Police, Central Crime Branch, Tirunelveli, was directed to hold full additional charge of the post of Assistant Commissioner of Police (L & O), Palayamkottai Sub Division, Tirunelveli City, with immediate effect. The fifth respondent was requested to relieve the appellant and to report Chief Office. Consequently, the fifth respondent by the impugned communication dated 12.01.2019 instructed the appellant to relieve immediately on 12.01.2019 so that the post be handed over to Thiru.K.Paramasivan, Assistant Commissioner of Police, Central Crime Branch, Tirunelveli City as the full additional charge of the post of Assistant Commissioner (L&O), Palayamkottai Sub Division, Tirunelveli City. From the order itself it is seen that the transfer is not a simple transfer for administrative reasons. Since the appellant was brought to V.R. (Vacancy reserved) while directing another officer to hold full additional charge of the post that was held by the appellant, the transfer was challenged in the Writ Petition in W.P.(MD)No.1028 of 2019 mainly on the ground of legal *mala fides* apart from contending that the order of transfer is punitive in nature. The learned Single Judge of this Court recording the fact that the department had decided to move the petitioner out of Tirunelveli in view of the controversy relating to



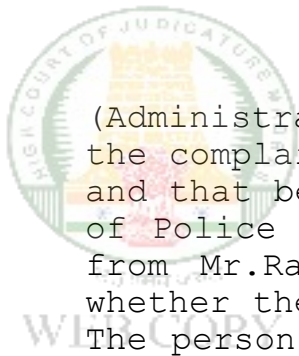
recovery of certain gold jewels from an individual, dismissed the Writ Petition observing that it is better for the petitioner to stay away from Tirunelveli so that an enquiry would be conducted in a fair and free manner. Challenging the order of the learned Single Judge dismissing the Writ Petition the above Writ Appeal is filed.

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3.The learned Senior Counsel appearing for the appellant narrated some events which according to him prompted the respondents to transfer the appellant and to keep him away from the department. Before considering the submissions of the learned Senior Counsel appearing for the appellant and the learned Additional Advocate General, it is necessary to record the pleadings in the affidavit filed in support of the writ petition and the counter affidavit filed on behalf of the fifth respondent.

4.The brief facts set out in the affidavit filed in support of the Writ Petition are as follows:

4.1.While the appellant was in office, he received a call from a person claiming to be the Inspector General of Police, South Region and informed the appellant that one Mr.M.Sheik Meeran would approach him to give a complaint which should be proceeded with by the appellant. On 30.12.2018 a person by name Sheik Meeran who is a resident of Tuticorin gave a written complaint to the appellant. In the complaint, it is stated that the complainant advanced a loan of Rs.5,00,000/- to one Rathinakumar who is also residing at Threspuram, Tuticorin. It is stated in the complaint that the complainant gave 25 sovereigns of gold jewels believing that the said Rathinakumar would return the jewels within twenty days. The complainant has further stated in his complaint that on 20.12.2018 he demanded his jewels and that the said Rathinakumar refused to return the jewels and threatened him. There is a reference to the complaint given on 21.12.2018 at Tuticorin North Police Station. It is further stated in the complaint that on 29.12.2018 at about 8.00 p.m. the complainant was waiting near Tirunelveli New Bus Stand for the arrival of his friend and the accused by name Rathinakumar threatened the complainant to withdraw the complaint he had given earlier and that he made an attempt to assault him. It is also stated in the complaint that the accused Rathinakumar threatened him with dire consequences. The said Sheik Meeran approached him and gave a complaint on 30.12.2018 in writing. The complaint was also treated as petition in C.No.143/AC. The appellant conducted a preliminary enquiry and brought Mr.Rathinakumar to his office on 03.01.2019. The appellant, after enquiry, found the complaint dated 30.12.2018 as a false one with cooked up story. The said Rathinakumar admitted that he had bought two electronic speakers from Malaysia to hand over the same to some other person at Trichy Airport. The complainant Mr.Sheik Meeran, also admitted that the electronic speakers brought by Mr.Rathinakumar contained three kilogrammes of gold jewels and that the complaint given by him on 30.12.2018 was to recover the jewels. All these facts were known to



(Administration), Chennai. The appellant was shocked to know that the complaint was given on the advise of Inspector General of Police and that behind the entire incident, the Additional Director General of Police Mr.Ravi, too involved. On 05.01.2019 he received a call from Mr.Ravi, Additional Director General of Police who enquired whether the appellant had recovered the jewels from Mr.Rathinakumar. The person who introduced himself as Additional Director General of Police disconnected the phone call when the appellant informed him about the whole incident and the facts revealed from his enquiry in relation to the complaint.

4.2.It is the specific case of the appellant that the impugned order dated 12.01.2019 came to be issued in the above background. The appellant also came forward with further materials in the form of an audio clipping of a conversation between a murder accused and one Mr.Murugan a friend of another Inspector working within the jurisdiction of Palayamkottai. From the conversation recorded, it was suggested by the appellant that the transfer order was not on account of any administrative reasons but passed purely as a punitive measure suspecting that the appellant had recovered the jewels from Mr.Rathinakumar but failed to hand it over to the complainant. The appellant challenged the order of transfer mainly on the ground that the same is punitive in nature. It was then contended that the impugned orders are liable to be quashed as it casts a stigma on the appellant. Stating that the order of transfer had been passed on a wrong premise, it was further submitted that the same cannot be sustained in view of non-observance of principles of natural justice.

4.3.The fifth respondent filed a detailed counter, on behalf of all the respondents. Apart from general denial of averments in the affidavit, it is contended that the appellant has roped in the Inspector General of Police, South Region unnecessarily. It is stated that the appellant who enquired the complaint dated 30.12.2018, ought to have forwarded the complaint to the jurisdictional police station or to City Crime Branch, Tirunelveli City after making preliminary enquiry as per the guidelines laid down by Hon'ble Supreme Court in **Lalithakumari** case and failed to inform his immediate superior officers. It is stated that a similar complaint for the misappropriation of gold jewels had been lodged in C.S.R.No.503 of 2018 before North Police Station, Thoothukudi by Mr.Sheik Meeran against Rathinakumar on 21.12.2018 and that the same was disposed of on 01.01.2019. It is contended that the appellant suppressed the disposal of previous complaint regarding the complaint and that the appellant, out of greediness resorted to take his Special Team out of Headquarters without the knowledge of his superiors, with a sole aim to recover the alleged electronic speaker. It is further stated that along with the special party, the appellant took Rathinakumar in the Government vehicle to a place called Periathalai in Thoothukudi District as the said Rathinakumar had told the appellant that he had hidden the electronic speakers



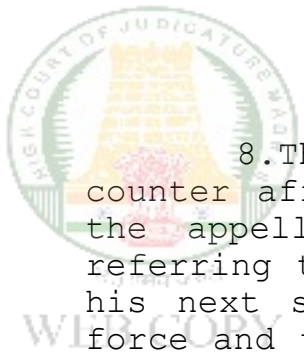
containing valuable gold. It is stated further that as per the statements of the members of special team, Rathinakumar escaped from the custody of special party and that they returned empty handed.

4.4.Regarding transfer, it is stated in the counter that as per the order of Director General of Police, vide fax message in C.No.001428/GB-VII(2)/2019, dated 11.01.2019, vide the impugned order of Deputy Commissioner (L&O), dated 12.01.2019 the transfer order was served to the petitioner through the Inspector of Police, Perumalpuram Police Station and that the appellant handed over the charge on 12.01.2019. It is stated further that the appellant, who acted in an indisciplined manner which was unbecoming conduct of a police officer in the rank of Assistant Commissioner of Police was transferred and brought to V.R. at Chief Office, Control Room, Chennai on administrative reason. It is interesting to note that the unbecoming conduct of appellant is by referring to the appellant's venture to go in search of valuable gold with his Special Team to Periathalai and his return with empty handed. In para 7 of the counter, it is stated that the complainant's previous complaint was disposed of as civil in nature by the Sub Inspector of Police, North Police Station, Tuticorin. It is also stated that the transfer of appellant was on account of administrative reasons, besides the disciplinary and unbecoming conduct of the appellant, in as much as the appellant enquired the petition with personal interest roping the name of the Inspector General of Police, South Region and Additional Director General of Police. From the further reading of counter, it is indicated that the order of transfer was only because of the conduct of appellant risking the lives of his special team subordinates by undertaking a search operation without an intimation to his superiors.

5.The learned Senior Counsel appearing for the appellant was prepared to play the audio clipping which would suggest that the transfer was purely at the instance of the appellant's higher officials who wanted the appellant earlier to conduct an enquiry on a wrong perception that the appellant had recovered jewels and kept it by himself. In the counter affidavit the contents as suggested by the Senior Counsel for appellant is admitted.

6.The learned Senior Counsel appearing for the appellant relied upon a judgment of a Division Bench of this Court dated 01.11.2011 in W.A.No.994 of 2011 in K.Anbalagan v. The Director of Elementary Education, Chennai and others and the judgment of the Hon'ble Supreme Court in **Somesh Tiwari v. Union of India and others** reported in **(2009) 2 SCC 592**.

7.The learned Senior Counsel appearing for the appellant referred to some of the credentials of appellant and the reputation he had earned from the public while discharging his duties as an honest and efficient police officer.



8.The learned Additional Advocate General relied upon the counter affidavit filed by the fifth respondent and submitted that the appellant's conduct in conducting personal enquiry without referring to the jurisdictional police and without the knowledge of his next superior officers had tarnished the image of the police force and that therefore, the appellant was transferred and brought to V.R. at Chief Office, Control Room, Chennai. It is pertinent to mention that the fifth respondent has added something more to the incident narrated by the appellant in the affidavit filed in support of the Writ Petition. Though it is stated that the appellant was transferred only on the administrative grounds, it is admitted that the reason for transfer was not purely due to administrative exigencies but by taking note of the so called indisciplinary and unbecoming conduct of the appellant. The learned Additional Advocate General submitted that the appellant had roped the name of the Inspector General of Police, South Region, as if the said officer had directed the appellant to proceed with the complaint and submitted that the appellant had in fact failed to forward the complaint dated 30.12.2018 to the jurisdictional police station within a week after making preliminary enquiry. As a matter of fact, the counter affidavit filed by the fifth respondent referred to another complaint given by the same Sheik Meeran that was lodged on 21.12.2018 before the North Police Station, Tuticorin and its disposal on 01.01.2019. The fifth respondent has stated that appellant resorted to take his special team out of headquarters without the knowledge of the superiors with a determination to recover the mysterious electronic speakers and alleged that the appellant allowed the accused Rathinakumar to escape from the custody of the Special Party. From the facts that were referred to in the counter affidavit, this Court has no hesitation to hold that the impugned order of transfer is not on account of administrative exigencies but it was on account of certain lapses alleged to have been committed by the appellant while handling the complaint dated 30.12.2018 lodged by Sheik Meeran.

9.The impugned order passed by the fourth respondent read as follows:

"In accordance with fax message in Ro.No.001428/GB.VII(2)/2019, dated:11.01.2019 of the Director General of Police, Chennai - 600 004, Tr.G.Chakkaravarthy, Assistant Commissioner of Police, Palayamkottai (L&O) Sub-Division, Tirunelveli City is brought to V.R. at Chief Office Control Room, Chennai.

2)Thiru.K.Paramasivan, Assistant Commissioner of Police, Central Crime Branch, Tirunelveli City will hold full additional charge of the post of the Assistant Commissioner of Police, Palayamkottai (L&O) Sub Division, Tirunelveli City with immediate effect until further



3)The Deputy Commissioner of Police, Law & Order, Tirunelveli City is requested to relieve Tr.G.Chakkaravarthy, Assistant Commissioner of Police, Palayamkottai (L&O) Sub Division, Tirunelveli City is directed to report at Chief Office immediately for further postings and inform the date of relief to this office early."

10.It is well settled that transfer is an incident of service and transfer on account of administrative exigencies cannot be interfered with by Courts in exercise of judicial review unless the order of transfer is found to be *mala fide*.

11.In the present case, the appellant was transferred and kept out of posting without assigning any reason. The post which the appellant was holding is a responsible post. Even while directing the appellant to be brought under V.R. another officer was appointed as full additional in-charge of the post. Keeping the appellant in V.R. without any assignment, certainly causes stigma and the impugned order does not disclose that the transfer was in public interest. In the present case, the appellant has specifically raised *mala fide* by referring to certain facts which would indicate both malice in fact and malice in law. The power of transfer cannot be exercised to reduce the status and position of an officer like the appellant without giving an opportunity to the delinquent. The order of transfer in the present case carries stigma and therefore, the same will be illegal if it is done without a show-cause notice or observance of principles of natural justice. It is true that it is not necessary to comply with the principles of natural justice if it is a transfer on account of administrative exigencies. However, in the present case, the order of transfer is not due to administrative exigencies or in public interest as seen from the order. From the facts narrated by the petitioner and the facts admitted in the counter affidavit, the transfer of appellant is due to specific reasons without disclosing in the impugned order what they are. When power is not exercised *bona fide* that is questionable. Transfer in the present case is not in public interest as it was professed to be but appears to be as a measure of victimisation at the behest of some higher officials who involved themselves or helping others in relation to some valuable gold jewels which were smuggled by unlawful means. The Hon'ble Supreme Court in **Somesh Tiwari and Union of India and others** reported in **(2009) 2 SCC 592** has held as follows:

"16. Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where *inter alia mala fide* on the part of the authority is proved. *Mala fide* is of two kinds - one malice in fact and the second malice in law.



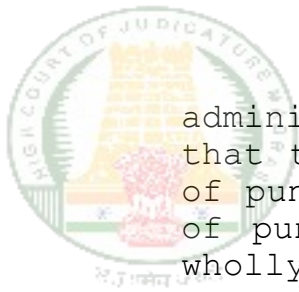
The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal."

12.A Division Bench of this Court in a judgment in W.A.No.994 of 2011, dated 01.11.2011, in ***K.Anbalagan v. The Director of Elementary Education, Chennai and others*** has held as follows:

"8.The appellant raised the main contention before the writ Court that the order of transfer is not an administrative order and on the other hand, it is an order passed by way of punishment, on the ground of certain allegations which were mentioned even in the impugned order of transfer. Though the appellant relied on certain decisions of the Hon'ble Apex Court and this Court, the writ Court has rejected the same and held that those decisions are not helpful to advance the contentions put forward by the appellant. With respect, we are unable to agree with the view expressed by the writ Court as it is very much evident from the perusal of the impugned transfer order that such order had been passed not on any administrative ground and on the other hand, by way of awarding punishment, the said order was passed on certain allegations in respect of the conduct of the appellant herein. At this juncture, it is relevant to refer to the principles laid down by the Hon'ble Apex Court in its decision, Somesh Tiwari vs. Union of India, reported in (2009) 3 MLJ 727 (SC). The Hon'ble Apex Court, in the said decision, held in paragraphs-19 and 20 as follows:-

"19.Indisputably, an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds - one malice in fact and the second malice in law.

20.The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in



administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal."

9.Learned counsel for the appellant also heavily placed reliance on the decision of this Court in R.Mohanasundaram v. The Principal Chief Conservator of Forests, reported in 2009(5) CTC 231. In the said decision, this Court also placed reliance on the decision of the Hon'ble Supreme Court in Somesh Tiwari v. Union of India (cited supra) and also placed reliance on an unreported decision of a Division Bench of this Court in A.Micheal Raj v. Director General of Police, Chennai in W.A.No.1138 of 2008 dated 20.04.2009. In Michael Raj's case, it has been held as under:-

"12.Though in the impugned order of transfer it is stated as if the transfer has been effected on administrative grounds, the same has been given a go-by in the counter affidavit filed by the respondents as stated above. As per the averments contained in the counter affidavit the transfer was passed on some adverse remarks / Complaints received against the appellant and also on the basis of the report sent by the Director General of Police to the Inspector General of Police, West Zone, and in such circumstances we are of the considered view that the order of transfer passed against the appellant is by way of punishment and that too without giving any opportunity of hearing to the petitioner."

This Court also referred to another decision of this Court in Sevugan, S. v. The Chief Educational Officer, Virudhunagar District, reported in 2006 (2) CTC 486, wherein this Court has held as follows:-

"7.It is seen from the impugned order of transfer that it is passed on administrative ground, but it appears that the order was passed by way of punishment and based on the complaint against the conduct of the petitioner. If that be so, the petitioner is certainly entitled for proper opportunity to defend himself as to whether the Complaints against him by the Public or by the Headmaster is proper or not by way of an enquiry."

Yet another Division Bench decision of this court in W.A. (MD)Nos.5 and 7 of 2007 dated 09.01.2007, was also referred in that decision wherein it was held that though in the impugned order of transfer it was stated that the transfer was effected on administrative ground, it is made clear in the counter affidavit filed in the Writ Petition that the petitioner had not taken any efforts to collect the sale



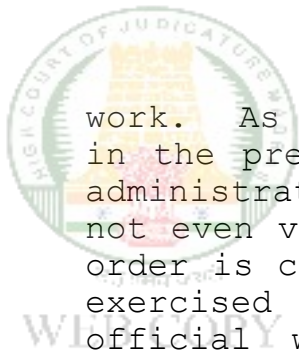
proceeds of Fair Price Shops as detailed therein and accordingly further held as under:-

"5.From the counter affidavit filed by the first respondent, it is clear that by virtue of the report received from the Circle Deputy Registrar, Paramakudi who is the Supervisory authority of all Co-operative Societies functioning in Paramakudi Circle recommending for the writ petitioner's transfer and further it is seen that due to improper management by the petitioner, there is a loss to the tune of Rs.2,96,959.30 to the Society funds, the first respondent transferred the petitioner on administrative grounds to safeguard the interest of the society. Considering the facts and circumstances of the case, the learned Single Judge came to the conclusion that it is not a transfer simpliciter, but it is a transfer with stigma. Therefore, the petitioner is entitled for opportunity of enquiry to establish his case."

10.We are of the considered view that the above settled principles of law laid down by the Hon'ble Supreme Court and this Court are squarely applicable to the facts of the case on hand, as in this case also, as already pointed out, the impugned order of transfer was passed not on administrative ground, but on the other hand, the same was passed only by way of punishment on certain allegations levelled against the petitioner, as stated in the impugned order of transfer itself.

11.In view of the aforesaid reasons, we are inclined to set aside the order of this Court passed in W.P.(MD)No.10742 of 2011 dated 21.09.2011 impugned in this writ appeal, as well as the impugned order of transfer dated 15.09.2011. Accordingly, the writ appeal is allowed. Consequently, M.P. (MD)No.1 of 2011 is closed. No costs."

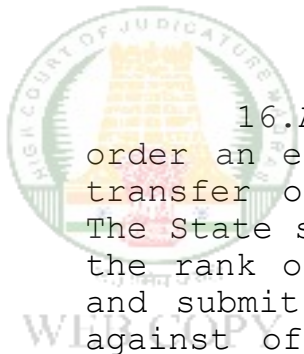
13.As pointed out by the learned Senior Counsel appearing for the appellant the impugned order of transfer which is based on some adverse materials and influenced by extraneous reasons cannot be taken as an order of transfer due to administrative exigencies. The fifth respondent has admitted the sequence of events relied upon by the appellant. The Senior Counsel for the appellant submitted that the transfer order was on account of extraneous reasons in relation to the complaint dated 30.12.2018 which was received and enquired by the appellant only at the behest of his superior officers. The learned Single Judge, however, came to the conclusion that the order of transfer is justified by accepting the submissions of the respondents by referring to circumstances prevailing the administration without actually recording the exact reason or circumstances that prompted the respondents to transfer the appellant and justify to bring him to V.R. and keep him away from



work. As pointed out by this Court earlier, the order of transfer in the present case is not a simple transfer due to exigencies in administration but on the basis of some undisclosed facts which were not even verified before passing the impugned order. Secondly, the order is certainly punitive in nature. Power of transfer cannot be exercised to reduce the status and position of a higher police official without disclosing the reasons. The respondents are influenced by considerations outside those objects for which power is vested with them to transfer any police official. This Court is of the view that in public interest the morality and discipline in police force should be maintained in public interest. When something is done to demoralise officers who are expected to discharge their duties honestly and diligently, the Court has ample power to set right the wrong in public interest. Viewed from any angle, the impugned order is liable to be quashed.

14. In the factual context in which the impugned order came to be passed, this Court is inclined to probe further. After reading the contentions raised by the appellant in the affidavit filed in support of the Writ Petition and the statements in the counter affidavit filed by the fifth respondent, this Court is able to see the following facts and events.

15. On 30.12.2018 a complaint had been lodged by Mr. Sheik Meeran regarding breach of trust and physical threat and the complaint discloses only offences under Sections 420 and 506(ii) of I.P.C. The same person had lodged a complaint before the North Police Station, Tuticorin and the same was closed on 01.01.2019. It is admitted that both the complaints are false and it was given to recover three kilogrammes of gold jewels smuggled by one Rathinakumar. The appellant has stated that he proceeded with the complaint and conducted an enquiry pursuant to a call from a person claiming to be the Inspector General of Police, South Region. The appellant has also stated that on 05.01.2019, he received another call from Thiru. Ravi, Additional Director General of Police, to enquire the appellant whether he had recovered the jewels from the accused. The appellant had reasons to believe that the transfer was on account of a wrong notion that the appellant had recovered the jewels from the accused but kept it for himself. It is admitted that the transfer was not only for the appellant but also for other police personnel who accompanied the appellant in his attempt to search and recover the gold jewels from the accused. The audio clipping suggests that the appellant was transferred in connection with the missing gold jewels and a message was conveyed to appellant that he would not be spared unless he hand over the jewels to his superior officers. The unauthorised smuggling of gold jewels by an individual on behalf of some other person gives an indication that the person on whose behalf the jewels were smuggled are more powerful and influential. An independent enquiry is required in this case to bring out truth at least in public interest to make the police more accountable and reliable.



16.As a result, this Court direct the State Government to order an enquiry into the incident that culminated in the punitive transfer of the appellant by an independent agency namely CBCID. The State shall give further directions so that an officer not below the rank of Superintendent of Police of CBCID, conduct the enquiry and submit report within two months and to initiate further action against officials who are found involved in abetting, aiding and protecting the smugglers or criminals with specific reference to the incident which led to the transfer of the appellant. Since keeping the appellant in the same station and in the same position may cause some inconvenience for a fair investigation, the respondent shall give posting in any other district other than Tirunelveli. The impugned order passed by the fourth respondent and the consequential order issued by the fifth respondent are quashed. The second respondent shall give posting order posting the appellant as Assistant Commissioner of Police in any other District within a period of two weeks from the date of receipt of a copy of this judgment. The petitioner is entitled to get full salary for the period during which he was kept under wait.

17.The Government shall nominate the officer of CBCID as per this order within two weeks from the date of receipt of a copy of this order. The officer appointed by the Government shall conduct an enquiry in a fair and transparent manner after giving full fledged opportunity to the appellant to lead evidence both oral and documentary and to submit a report within three months from the date of assignment. Depends upon the findings of CBCID officer, the Government shall take appropriate further action keeping in mind the larger public interest.

18.The Writ Appeal is, accordingly, allowed and disposed of with the above directions. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

srm

To

1.The Principal Secretary,
Home Department,
Secretariat,

<https://hcservices.hcsonline.gov.in/hcser/009/>



2.The Director General of Police,
O/o. the Director General of Police,
Tamil Nadu,
Chennai - 600 004.

3.The Additional Director General of Police,
O/o. the Director General of Police,
Law and Order,
Chennai - 4.

4.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

5.The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
Law and Order,
Tirunelveli City,
Tirunelveli District.

+1 CC to SPL.GP (SR-2597[F] dated 23/01/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2678[F] dated 23/01/2020)

**ORDER MADE IN
W.A. (MD) No.219 of 2019
and
C.M.P. (MD) No.1823 of 2019
22.01.2020**

MK (24.01.2020) 13P 8C