



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12460 of 2013

and

WMP.Nos.8154 of 2020, 8151 of 2020

and

8147 of 2020

Baubady Saravanane.T

..Petitioner

(IT Amended as per order of this  
Court dated 06.03.2020 made in  
WMP.No.5384/2019 in  
W.P.No.12460/2013)

Vs

1. The Additional Director General of Police,  
Economic Offence Wing, Chennai -600 040

2. The Deputy Inspector General of Police,  
IDOL Wing, Chennai-40

3. The Superintendent of Police,  
CCIW CID, Chennai.

...Respondents

Prayer: The writ petition is filed under Article 226 of Constitution of India for Writ of Certiorari, calling for the records of the proceedings of the 2<sup>nd</sup> respondent in RC.No. B1/EOW/1689/09 dated 16.04.2009 dismissing the petitioner and confirmed by the 1<sup>st</sup> respondent Appellate Authority in proceeding No.RC.A2/EOW/1689/2009 dated 02.02.2011 and quash the same as null and void including the suspension period as on duty with monetary benefits.

For Petitioner : Mr.M.S. Soundararajan

For Respondents: Mr.J.C.Durairaj, AGP  
1 to 3

O R D E R

Challenge in the writ petition is the impugned proceedings of the 2<sup>nd</sup> respondent in RC.No. B1/EOW/1689/09 dated 16.04.2009 dismissing the petitioner and consequential proceedings in No.RC.A2/EOW/1689/2009 dated 02.02.2011 of the 1<sup>st</sup> respondent/ Appellate Authority, confirming the said order of punishment.



2. According to the learned counsel for the petitioner based on the complaint given by his wife Suguna, charges were framed against the petitioner and preliminary enquiry was conducted by the Deputy Superintendent of Police, CCIW, Chennai and held the charges as proved by order dated 05.08.2009. The petitioner was imposed with punishment of dismissal from service by an order dated 21.10.2009 without considering the further representation submitted by the petitioner. Subsequently, the appeal preferred by the respondent was also rejected by the 1<sup>st</sup> respondent by proceedings dated 02.02.2011.

3. The main contention raised by the learned counsel for the petitioner is that the punishment awarded on the petitioner is unsustainable in law.

4. The learned counsel for the petitioner has filed three Miscellaneous Petitions in WMP.No. 8154 of 2020 to permit the petitioner to raise the additional grounds and in WMP.No.8151 of 2020 to permit the petitioner to amend the prayer and in WMP.No.8147 of 2020 to permit the petitioner to implead the proposed respondents as 4<sup>th</sup> & 5<sup>th</sup> respondents in the writ petition.

5. Heard both sides and perused the documents available on record.

6. On perusal of the affidavit filed in WMP.No.8147 of 2020, it is stated that as against the rejection order by the 1<sup>st</sup> respondent, the petitioner has preferred a Review Petition before the Director General of Police, Chennai, dated 19.12.2012 and the same is still pending. Therefore, the petitioner has filed this application to implead the Director General of Police, Chennai and the Inspector General of Police, EO-I, Chennai as parties to the present writ petition.

7. Admittedly, being aggrieved by the order of the 1<sup>st</sup> respondent, the petitioner has preferred a Review Petition before the Director General of Police, and pending the Review Petition, the petitioner has filed a Miscellaneous Petition to implead the Director General of Police, Chennai in the present writ petition. It is brought to the notice of this Court that the petitioner's Review Petition is still pending before the Director General of Police. Since the Disciplinary Authority and the Appellate Authority who are 2<sup>nd</sup> & 1<sup>st</sup> respondents herein had already taken the decision, this Court cannot entertain the prayer sought for by the petitioner to implead the Director General of Police as party to the present writ petition and consequential direction to consider the representation made by the petitioner. However, considering the pendency of Review Petition, which is of the year 2012, this Court is inclined to



issue directions to the 1<sup>st</sup> respondent to consider the said representation dated 19.12.2012 made by the petitioner and pass appropriate orders.

8. Therefore, considering the facts and circumstances of the case, the 1<sup>st</sup> respondent is directed to consider the petitioner's Review Application dated 19.12.2012 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. If any final order is passed by the Director General of Police on the said Review Petition, the same shall be communicated to the petitioner.

9. With the above directions, the writ petition stands disposed of. No costs. Consequently, the WMP.Nos. 8154 of 2020, 8151 of 2020 and 8147 of 2020 are dismissed.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Director General of Police,  
Economic Offence Wing, Chennai -6000040
2. The Deputy Inspector General of Police,  
IDOL Wing, Chennai-40
3. The Superintendent of Police,  
CCIW CID, Chennai.

+1cc to Mr.M.S.Soundararajan, Advocate, S.R.No.6400

W.P.No. 12460 of 2013  
and WMP.Nos. 8154 of 2020,  
8151 of 2020 and 8147 of 2020

PA (CO)  
RGA (07/02/2022)