



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.NO.1684 OF 2021
AND C.M.P.NO.10703 OF 2021

A.Prabhakaran

.. Appellant

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District.

2.The Inspector of Police,
Vellithiruppur Police Station,
Erode District.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 21.12.2020 made in W.P.No.18171 of 2020.

Prayer in W.P.No.18171 of 2020:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st Respondent to defer all further proceedings pursuant to the Charge Memo in THA.PA.NO 37/J1/2020 dated 15.9.2020 on the file of the 1st Respondent pending Criminal proceedings in FIR No 15/2020 on the file of the 2nd Respondent by considering the Petitioner's explanation dated 30.9.2020 to the charge memo.

For Appellant : M/s.G.Bala and Daisy

For Respondents : Mr.R.Neelakandan
Government Counsel

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant seeking to set aside the order of the learned single Judge, who declined to allow the writ petition seeking to defer the disciplinary proceedings initiated till the completion of the criminal case.



2.Learned counsel appearing for the appellant submits that there is an exception to the general Rule. The witnesses are one and the same and the issue of law is involved.

3.Learned Government Counsel appearing for the respondents submitted that the appellant has submitted himself for enquiry and principles of natural justice have been followed by allowing him to peruse the documents. The witnesses are being examined and the enquiry is in the midway.

4.We do not find any merit in this appeal. One cannot claim as a matter of right that departmental proceedings will have to be deferred till the conclusion of criminal case. What is required is proof beyond reasonable doubt in a criminal case as against preponderance of probability in the departmental proceedings. In a departmental proceedings, it is for the department to substantiate the charge. Also, we do not find any complicated question of law involved.

5.In such view of the matter, we do not find any error in the order passed by the learned single Judge and the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mmi/ssm

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District.

2.The Inspector of Police,
Vellithiruppur Police Station,
Erode District.

+1cc to M/S.G.Bala & Daisy, Advocate, SR.No.35846
+1cc to Government Pleader, SR.No.35553

W.A.No.1684 of 2021

GP(CO)
PM(06/09/2021)