



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19773 of 2021

&

W.M.P No.21044 & 21046 of 2021
(Through Video Conferencing)

P.Esvaran

...Petitioner

Vs

1. The Superintendent of Police
Thiruvannamalai District.
2. The Deputy Superintendent of Police
Social Justice & Human Rights Department
Thituvannamalai District
(Enquiry Officer)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 1st respondent in connection with the impugned charge memo issued by him in H1/PR 56/2020 dated 1.07.2020 and quash the same and grant such other further relief.

For Petitioner	: Mrs.K.Venkatamani, SC for M.Muthappan
For Respondents	: Mr.L.S.M.Hasan Fizal
[R1 & R2]	Government Advocate

ORDER

A charge memo dated 01.07.2020 has been issued to the petitioner, pursuant to a F.I.R registered on 04.04.2020 in Cr.No.386 of 2020. The allegations against the petitioner was that the petitioner absented himself from duty and was involved in assaulting the de-facto complainant and had abused the defacto complainant using a casteist slur. A charge has also been now filed in S.C.No.36 of 2020 on 03.08.2020 and the said case is not pending.

2.The learned counsel for the respondent submits that the petitioner has been issued with a Charge Memo as early as on 01.07.2020 and a criminal proceedings has also been initiated against the de-facto complainant in Cr.No.3273 of 2020 on 06.10.2020.



3.It is the case of the petitioner that the de-facto complainant was accused of kidnapping of a minor girl and that the mother of a minor girl has also filed a complaint against the de-facto complainant which has now been taken on record and a F.I.R has been registered in Cr.No.3273 of 2020 on 06.10.2020 against the defacto complainant. It is the further case of the petitioner that the petitioner has also disclosed the defence in the criminal proceedings and therefore continuance of the departmental proceedings will be prejudice out come in the departmental proceedings.

4.It is further submitted that the petitioner has absented on 31.03.2020 and had got involved in the crime and therefore the department should be restrained from proceeding with the departmental proceedings.

5.Heard the learned Counsel for the petitioner and learned Government Advocate for the respondents and perused the records and considered the submissions made on behalf of the petitioner and respondent.

6.The petitioner admittedly has been charge-sheeted in the criminal proceedings. Though cause of action for both the criminal proceedings against the petitioner and the disciplinary proceedings where a Charge Memo has been issued to the petitioner, they are to proceed on a yard stick. Considering the fact that the petitioner has already disclosed in the criminal proceedings, the respondents are directed to proceed with the disciplinary proceedings. The final out come shall be kept in abeyance till the completion of the criminal proceedings in S.C.No.36 of 2020. The rights of the petitioner shall be subject to final out come of the criminal proceedings.

7.This Writ Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

Jas



To

1. The Superintendent of Police
Thiruvannamalai District.

2. The Deputy Superintendent of Police,
Social Justice & Human Rights Department,
Thiruvannamalai District,
(Enquiry Officer).

+1CC to M/s.M.Muthappan, Advocate, SR.No. 47404

+1CC to The Government Pleader, SR.No. 47891

W.P.No.19773 of 2021
and

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VG II(CO)
B.VC (02/11/2021)
KKV/18/11/2021