



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 05.10.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition Nos.21491 of 2021
and
WMP No.22725 of 2021

(Through Video Conferencing)

P.Eswaran

...Petitioner

Vs.

The Superintendent of police,
Thiruvannamalai District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified Mandamus to call for the records of the respondent in connection with impugned order issued by the respondent in D.O.No.213/2020, C.No.H1/07134/2020 dated 05.04.2020 and quash the same and further direct the respondent to reinstate the petitioner into service with all consequential and monetary benefits.

For Petitioner : Mr.R.Dhineshkumar

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

O R D E R

The Petitioner was placed under suspension on 05.04.2020. Thereafter, the Petitioner was issued with a charge memo dated 01.07.2020. The Petitioner has now challenged the suspension order dated 05.04.2020 in this writ petition.

2. Earlier, the Petitioner had filed W.P.No.19773 of 2021 wherein the Petitioner had challenged the charge memo. The said writ petition was disposed vide order dated 17.09.2021. The Respondent was directed to proceed with the Disciplinary Proceedings, the decision in the Disciplinary Proceeding in abeyance till the completion of the criminal proceedings in Cr.No.386 of 2020. Since already an order has been passed by this Court on 17.09.2021 in W.P.No.19773 of 2021 and considering the fact that the Petitioner has already been placed under suspension from 05.04.2020, this writ petition is disposed of by directing the Respondent to consider the representation of the



Petitioner in terms of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudary vs. Union of India and another decision of the Hon'ble Supreme Court in State of Tamil Nadu vs. Promod Kumar IPS in Civil Appeal No.8427 of 2020 wherein recently, the Hon'ble Supreme Court following the decision of the Hon'ble Supreme Court in Ajay Kumar Choudary vs. Union of India in the case of Police Officer had asked the Respondent to reinstate the Officer in a non sensitive post.

3. The Respondent is therefore directed to consider whether the Petitioner can be reinstated into service in any non sensitive post. Such reinstatement of the Petitioner shall not prejudice the final decision in the department and criminal proceedings initiated against the Petitioner in Cr.No.386 of 2020. The Respondent may independently take a decision and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of with the above observation. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rrg

To

The Superintendent of police,
Thiruvannamalai District.

+1cc to Mr.R.Dhineshkumar, Advocate, S.R.No.52475

+1cc to the Government Pleader, S.R.No. 52740

W.P.No.21491 of 2021

SR[co]
NSK 17/11/2021