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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23645 of 2021
and
W.M.P.No.24895 of 2021

(Through Video Conferencing)

R.Ramesh Kumar ... Petitioner

Vs

1. The Deputy Inspector General of Police,
Salem Range, Salem (Disciplinary Authority).

2.The Additional Superintendent of Police,
Prevention of Attrocities against women
and Children Wing, Salem (Enquiry Officer),
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to charge memo No.KGI/Dist.P.R.No.18/G2/2021 dated 01.06.2021 to quash the same and to issue consequential directions to the first respondent to await the outcome of the Criminal Case registered in Cr.No.12/AC/2017 of the Vigilance and Anti Corruption Unit, Krishnagiri.

For Petitioner : Mr.G.Punniakoti

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

ORDER

This writ petition is filed to issue a writ of Certiorarified Mandamus, calling for the records of the first respondent relating to charge memo No.KGI/Dist.P.R.No.18/G2/2021 dated 01.06.2021 to quash the same and to issue consequential



directions to the first respondent to await the outcome of the Criminal Case registered in Cr.No.12/AC/2017 of the Vigilance and Anti Corruption Unit, Krishnagiri.

2. Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

3. In this Writ Petition, the petitioner has challenged the Charge Memo No.KGI/Dist.P.R.No.18/G2/2021 dated 01.06.2021, on the ground that the first charge memo has been issued long after the petitioner was placed under suspension on 05.12.2017. The petitioner had earlier challenged the aforesaid suspension order in W.P.No.27093 of 2018. The said writ petition is said to be pending before this Court. It appears that the respondents have also filed their counter on 12.07.2019. However, that case has not been taken up for hearing.

4. The learned counsel for the petitioner submitted that the impugned charge memo is liable to be quashed as it is issued long after the petitioner was placed under suspension. In this connection, the learned counsel for the petitioner has placed reliance on the decision of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary v. Union of India through its Secretary and another reported in (2015) 3CTC 119 and held that the Government Servants even if the accused of serious crime cannot be kept under suspension and also relied another decision of the Hon'ble Supreme Court in the State of Tamil Nadu v. Promod Kumar IPS and another reported in (2018) 17 SCC 677.

5. The learned counsel for the petitioner further submits that since the criminal case is also pending against the petitioner in Spl.C.C.No.10/2019 before the Chief Judicial Magistrate, Krishnagiri District, the enquiry in charge memo has to be quashed. Alternatively, it is submitted that proceedings may be deferred and in case the criminal proceedings are dropped the petitioner will be entitled to relief in terms of the decision of Hon'ble Supreme court in Capt. M.Paul Anthony v. Bharat Gold Mines Ltd., and another reported in (1999) (3) SCC 679).

6. On the other hand, the learned counsel for the respondents submitted that the petitioner was involved in corruption and therefore, the proceedings have been initiated under the provisions of Prevention of Corruption Act, 1988. He further submits that the 1st respondent deferred the disciplinary proceedings in the light of certain Government Orders.



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7. The learned counsel for the respondents submitted that since the impugned charge memo has also been issued, the respondents may be directed to pass appropriate orders on merits and in accordance with law, within a period of Nine months from the date of receipt of a copy of this order.

8. The submission of the learned Government Advocate for the respondents appears to be fair. Under these facts and circumstances, the writ petition is disposed with a direction to the disciplinary authority, namely the respondents to complete the disciplinary proceedings against the petitioner within a period of Twelve months from the date of receipt of a copy of this order and the petitioner is directed to cooperate with the respondents in the disciplinary proceedings.

9. The learned Chief Judicial Magistrate, Krishnagiri District, is also requested to expedite the criminal proceedings pending against the petitioner in Spl.C.C.No.10/2019 and bring a closure to the case one way or the other, within a period of 18 months from the date of receipt of a copy of this order.

10. With the above observation, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

ssn

To

1. The Deputy Inspector General of Police,
Salem Range,
Salem (Disciplinary Authority).

2. The Additional Superintendent of Police,
Prevention of Atrocities against women
and Children Wing, Salem (Enquiry Officer),
Salem District.



3.The Chief Judicial Magistrate,
Krishnagiri District.

4.The Public Prosecutor,
High Court, Madras-104.

+1cc to M/s.G.Punniakoti, Advocate Sr.57393
+1cc to the Government Pleader Sr.57687

W.P.No.23645 of 2021

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