



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.8020 of 2021

and

W.M.P(MD) Nos.6120 & 6121 of 2021

K.S.Harikrishnan

...

Petitioner

-Vs-

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

2. The Deputy Inspector General of Police,
Tirunelveli,
Tirunelveli District.

3. The Superintendent of Police,
Thoothukudi District.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to his proceedings in C.No.C1/5251/2020 R.O.O.No.319/2020, dated 21.09.2020 and quash the same and consequently direct the respondents to revoke the order of suspension, by considering the petitioner's request dated 01.02.2021, within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herod Singh

For Respondents : Mr.C.Ramesh

Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order passed by the second respondent in C.No.C1/5251/2020 R.O.O.No.319/2020, dated 21.09.2020 and consequently, direct the respondents to revoke the order of suspension, by considering the petitioner's request, dated 01.02.2021, within a time frame that may be fixed by this Court.

2. Mr.C.Ramesh, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both parties,

<https://hcservices.ecourts.gov.in/hcservices/>



this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was placed under suspension based on a criminal case registered in Cr.No.279 of 2020 under Sectiond 364 and 302 of IPC in public interest. The said case was transferred to CBCID. The CBCID after investigation, filed final report, deleting the name of the petitioner as accused and he was cited as a witness in the said case. Thereafter, by the impugned order, dated 21.09.2020, the petitioner was placed under suspension.

4. The learned counsel appearing for the petitioner submitted that the petitioner was not paid any subsistence allowance even after requesting for payment of subsistence allowance. The petitioner gave representations dated 04.10.2020 and 01.02.2021 to revoke the order of suspension and filed writ petition.

5. Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents submitted that the order of suspension was revoked and the petitioner joined duty on 15.04.2020.

6. Considering the submissions of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, the petitioner is directed to make a fresh representation to the second respondent for payment of subsistence allowance, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation and pass orders on merits and pay the eligible subsistence allowance payable to the petitioner, within a period of twelve (12) weeks thereafter.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

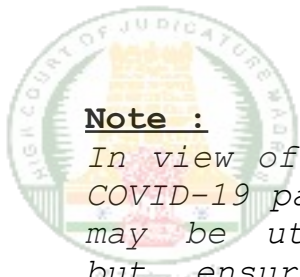
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.
2. The Deputy Inspector General of Police,
Tirunelveli,
Tirunelveli District.
3. The Superintendent of Police,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-16752[F] dated 20/04/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16426[F] dated 19/04/2021)

W.P. (MD) No.8020 of 2021
19.04.2021

RS (04.05.2021) 3P 6C