



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Ninth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) No.5328 of 2020
IN
WA(MD) No.984 of 2020

1 THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
(ADMIN) OFFICE OF THE DIRECTOR GENERAL OF POLICE,
MYLAPORE, CHENNAI.

2 THE DEPUTY INSPECTOR GENERAL OF POLICE,
ARMED POLICE, TIRCHY.

3 THE COMMANDANT,
TSP IX BN,MANIMUTHAR,
TIRUNELVELI DISTRICT.

... PETITIONERS/APPELLANTS

Vs

S.SELVINDURAI

... RESPONDENT/RESPONDENT

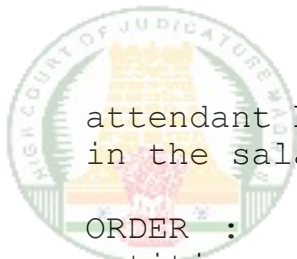
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the impugned order dated 23.01.2020 in WP(MD)No.18064 of 2013, pending disposal of the above Writ Appeal.

Prayer in WA(MD). 984/ 2020 :

To set aside the judgment dated 23.01.2020 in W.P(MD).No.18064 of 2013 on the file of this Honourable Court.

Prayer in W.P(MD).No.18064 of 2013:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order of punishment imposed by the third respondent herein in PR No.55/2010 dated 21.06.2011, confirmed by order of the second respondent in AP No.16 of 2011 dated 16.08.2011 and finally rejecting the Review Petition by the third respondent by order in Na.Ka.No.A4/6877/2012 dated 17.05.2012 and quash the same and consequently direct the respondents herein to reinstate the petitioner as Havildar with all backwages and



attendant benefits accrued to his service with revision of pay scale in the salary etc., within a reasonable time.

ORDER : This Petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.P.KRISHNA DOSS, Special Government Pleader for the petitioners and of Mr.G.THALAIMUTHARASU, Advocate on behalf of the Respondent, the Court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

The learned counsel for the petitioner submitted that the respondent has been removed after conducting enquiry. The learned Judge was wrong in holding that during the pendency of the criminal case, the respondent ought not to have been dismissed. It is trite that rules of evidence in a departmental proceedings and a criminal Court are totally different. One needless to prove beyond reasonable doubt and other preponderance of probabilities. The learned Judge has also not touched upon the merits of the case in holding the charges are proved.

2.Considering the aforesaid submissions, we find that a case has been made out. Accordingly, the stay already granted made absolute.

3. Accordingly, this petition is closed.

4. As the issue will have to be tested in the writ appeal, post the writ appeal for final hearing on 06.04.2021.

sd/-
29/01/2021

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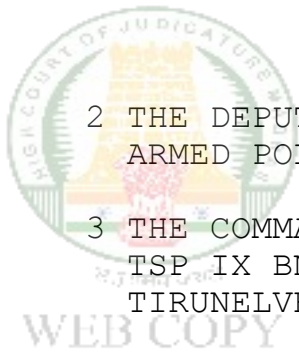
/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

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ORDER
IN
CMP (MD) No.5328 of 2020
IN
WA (MD) No.984 of 2020
Date :29/01/2021

RR
AE/JC/SAR-II (04/02/2021) 3P / 4C