



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.11309 of 2016

and

W.M.P. (MD)Nos. 8666 and 12377 of 2016

S.Prabhu Pandian

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

2.The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the proceedings of the first respondent in Tha.Pa.No.53/2006, dated 11.04.2016 and to quash the same.

For Petitioner	:	Mrs.Jessi Jeeva Priya
For Respondents	:	Mr.D.Muruganantham Additional Government Pleader

ORDER

This Writ Petition is filed by the petitioner, challenging the charge memo, dated 11.04.2016, issued by the first respondent.

2. Learned Counsel appearing for the petitioner would submit that this writ petition is filed challenging the charge memo, dated 11.04.2016, on the premises that on the same set of facts, a criminal case has already been filed by the Law Enforcing Agency against the petitioner and if the petitioner is allowed to proceed his defence before the Disciplinary authority, it would affect the criminal case pending against him. However, the learned Counsel would further submit that subsequently, the law is settled in this aspect and hence, she would submit that liberty may be given to the petitioner to raise all the points before the Enquiry Officer and also may issue a direction to the Disciplinary Authority to conclude the disciplinary proceedings within a stipulated period as fixed by this Court.



3. Learned Additional Government Pleader appearing for the respondents has no serious objection for granting such relief as sought for by the petitioner.

4. In view of the limited prayer as now sought for by the learned Counsel appearing for the petitioner, without going into the merits of the petitioner's case, the respondents are directed to conclude the disciplinary proceedings, after affording opportunity of hearing to the petitioner and also after following the principles of natural justice, within a period six months from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Superintendent of Police,
Thoothukudi District, Thoothukudi.

2.The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-5697[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-5662[F] dated 17/02/2021)

W. P (MD) No. 11309 of 2016
16.02.2021

ES (CO)

TP (01.03.2021) 2P 5C
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