



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.17315 of 2017

and

W.M.P.(MD)Nos.13857 and 13858 of 2017

T.Arul Raj

... Petitioner

vs.

1.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli - 627 011.

2.The Additional Superintendent of Police,
(Head Quarters), Tirunelveli District,
Tirunelveli - 627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the endorsement in (C1/14406/2013), dated 02.06.2017 on the file of the first respondent herein and to quash the same and consequently, to direct the respondents to revoke the suspension order, dated 31.08.2013 and to reinstate the petitioner with all the monetary benefits as may be available to him and consequently to drop all further proceedings relating to P.R.No.136/2013, dated 06.11.2013 within a time frame as may be fixed by this Court.

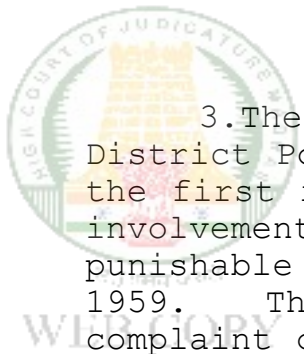
For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.M.Linga Durai
Government Advocate

O R D E R

This Writ Petition is filed to quash the impugned endorsement made by the first respondent, dated 02.06.2017 and to direct the respondents to revoke the suspension order, dated 31.08.2013 and to reinstate the petitioner with all the monetary benefits as may be available to him and consequently to drop all further proceedings relating to P.R.No.136/2013, dated 06.11.2013, within a time frame, as may be fixed by this Court.

2.Heard Mrs.P.Jessi Jeeva Priya, learned Counsel appearing for the petitioner and Mr.M.Linga Durai, learned Government Advocate appearing for the respondents.



3.The petitioner while working as Superintendent in the District Police Office, Tirunelveli, was placed under suspension by the first respondent, by his proceedings, dated 31.08.2013, for his involvement in a criminal case in Cr.No.833 of 2013 for the offence punishable under Section 429 IPC and 25(I-B) of Indian Arms Act, 1959. The criminal case was registered on 28.08.2013 on the complaint of one Ayyappan, who was the neighbour of the petitioner. Though the criminal case was ended in acquittal, as the complainant turned hostile, the charge memo issued under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, is pending.

4.It is admitted that the first respondent nominated the second respondent, as Enquiry Officer. Stating that the witnesses mentioned in the witness list of charge memo and the witnesses in the criminal case, are one and the same, the petitioner contended that the respondents cannot now proceed against the petitioner. It is also stated that the departmental action was stayed by this Court in the earlier Writ Petition filed by the petitioner. Pursuant to the same, the order of suspension was revoked by the respondents.

5.The learned Counsel for the petitioner states that the departmental proceedings should also be closed following the order of criminal Court.

6.Though the petitioner was acquitted from the criminal charges, the petitioner can also be prosecuted departmentally for the serious charges, for which, punishment also prescribed in the service rules. The petitioner has raised several issues. The petitioner was suspended from service during the pendency of the criminal case. Now, the criminal case is ended in favour of the petitioner. Having regard to the nature of verdict of Criminal Court, the petitioner cannot take advantage of the fact that he was acquitted in the criminal case. The allegations against the petitioner, which are serious in nature, cannot be ignored by the disciplinary authority, merely because, the criminal case ended in acquittal. The standard of proof in a criminal case and the departmental proceedings are different.

7.In the circumstances stated above, there is no illegality in proceeding with the departmental proceedings, despite the petitioner was discharged by the criminal Court. By the impugned order, the request for dropping the charge against the petitioner was rejected on the ground that the charges in the Punishment Roll are grave in nature.

8.The Criminal case lodged against the petitioner on 28.08.2013 and the petitioner was suspended from service on 31.08.2013. The charge memo was given on 06.11.2013. By judgment, dated 28.12.2016, the Criminal Court rendered a verdict acquitting the petitioner from the criminal case. Thereafter, the petitioner



action in P.R.No.136/2013. In the subsequent representation also, the petitioner questioned the charge memo. The charge memo or departmental proceedings initiated against the petitioner cannot be terminated in this case, merely because, the petitioner was discharged from the criminal case. The learned Counsel now stated that the order of suspension has been revoked by the respondents. The petitioner need not challenge the impugned order and the prayer in the Writ Petition has now become infructuous.

9.The learned Counsel for the petitioner requested this Court to direct the respondents to complete the departmental proceedings one way or other within a time frame that may be stipulated by this Court.

10.This Court is of the view that request of the learned Counsel for the petitioner is reasonable. Hence, the respondents are directed to proceed with the departmental proceedings initiated against the petitioner and complete the same as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

11.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli - 627 011.

2.The Additional Superintendent of Police,
(Head Quarters), Tirunelveli District,
Tirunelveli - 627 002.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate(SR-29968[F]dated 22/09/2021)

+1 CC to M/s.SPL. GP (SR-29750[F] dated 21/09/2021)

W.P. (MD)No.17315 of 2017

20.09.2021