



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2364 of 2022

S.A.Thameem

...Petitioner

vs.

1. The Commissioner of Police,
TSP II Battalion Camp,
Avadi Range, Chennai - 600 054.

2. The Joint Commissioner of Police,
West Zone, Ambattur,
Chennai - 600 053.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for records and quashing the impugned order of suspension dated 16.02.2021 passed by the 2nd respondent vide RC.No.PR/Wz/3559/2021 WZO No.167/2021 suspending the petitioner with effect from 12.02.2021 and consequently direct the respondents to reinstate the petitioner in any non-sensitive post in the rank of Sub-Inspector of Police within time frame.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents: Mr.Haja Nazirudeen
Additional Advocate General
Assisted by
Mrs.S.Anitha
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for records and quashing the impugned order of suspension dated 16.02.2021 passed by the 2nd respondent vide RC.No.PR/Wz/3559/2021 WZO No.167/2021 suspending the petitioner with effect from 12.02.2021 and consequently, to direct the respondents to reinstate the petitioner in any non-sensitive post in the rank of Sub-Inspector of Police within time frame.

2.According to the petitioner, the petitioner was placed



under suspension by the 2nd respondent by his proceeding in RC.No.PR/Wz/3559/2021 WZO No.167/2021, dated 16.02.2021, for the offence relating to the criminal case in Vigilance and Anti Corruption Crime No.5/2021 under Section 7 of the Prevention of Corruption Act, 1988. Subsequently, he got bail in the aforesaid criminal case. Challenging the aforesaid impugned suspension order, he has filed the present writ petition before this Court.

3.The learned counsel appearing for the petitioner would submit that no departmental proceedings has been initiated by the 2nd respondent/department as against the petitioner and also no charge sheet has been filed. However, without revoking the said suspension order, the petitioner was placed under prolonged suspension by the 2nd respondent, Therefore, he seeks revocation of the said impugned suspension order.

4.The learned Additional Advocate General appearing for the respondents submitted that if any such representation made by the petitioner, the same would be considered by the respondents by taking note of the decision rendered by the Hon'ble Full Bench of this Court in the case of P.Kannan vs. The Commissioner for Municipal Administration, Chennai (W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022).

5.In the light of the above submissions made by the parties, this Court is inclined to pass orders as follows:-

(i)The petitioner is directed to make a representation to the Joint Commissioner of Police, West Zone, Ambattur, Chennai/the 2nd respondent herein, within a period of two weeks from the date of receipt of a copy of this order.

(ii)On such representation being received, the Joint Commissioner of Police, West Zone, Ambattur, Chennai/the 2nd respondent is directed to consider and pass appropriate orders in accordance with law, by taking note of the decision rendered by the Hon'ble Full Bench of this Court in the case of P.Kannan vs. The Commissioner for Municipal Administration, Chennai (W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022), as expeditiously as possible, within a period of eight weeks, thereafter.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dm



To

1. The Commissioner of Police,
TSP II Battalion Camp,
Avadi Range, Chennai - 600 054.

2. The Joint Commissioner of Police,
West Zone, Ambattur,
Chennai - 600 053.

+1cc to the Government Pleader, High Court, Madras, S.R.No.22766

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate, S.R.No.22848
[06/05/2022]

W.P.No.2364 of 2022

GP (CO)
RGA (21/04/2022)