



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.6677 of 2022
and
W.M.P.Nos.6755 & 6756 of 2022

R.Nagarajan

...Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Chennai - 600 007.

2.The Additional Commissioner of Police (Traffic),
Greater Chennai Police,
Kilpauk,
Chennai - 600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in his proceeding RC.No.2966/Tr.PR/2021 T.Z.O.108/2021 dated 06.02.2021 relating to suspension and quash the same and consequently direct the respondents to reinstate the petitioner as Head Constable in the C1-Flower Bazaar Police Station, Chennai - 600 001.

For Petitioners : Mr.D.Selvaraju

For Respondents : Mrs.S.Anitha
Special Government Pleader

O R D E R

The relief sought for the present writ petition is to call for the records of the second respondent in his proceeding RC.No.2966/Tr.PR/2021 T.Z.O.108/2021 dated 06.02.2021 relating to suspension and quash the same and consequently, direct the respondents to reinstate the petitioner as Head Constable in the C1-Flower Bazaar Police Station, Chennai - 600 001.



2. Brief facts of the case:

While the writ petitioner was working as a Head Constable at C1-Flower Bazaar Police Station, Chennai - 600 001, he was placed under suspension by the second respondent vide impugned order dated 06.02.2021 for allegedly receiving a sum of Rs.600/- as a bribe. But even after lapse of more than one year period, the suspension order has not been revoked, nor a reasoned order for continuance of suspension was passed. Further, neither charge memo was issued and no final report in criminal case was filed. Challenging the prolonged suspension, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the second respondent in his proceeding in RC.No.2966/Tr.Pr/2021 T.Z.O.108/2021 dated 06.02.2021, has placed the petitioner under suspension for the implication in the criminal charges registered by the Vigilance and Anti Corruption case in Crime No.1/AC/2021/IV, under Section 7 of Prevention of Anti Corruption (Amended) Act 2018, dated 05.02.2021. But the said investigation is still pending and no charge sheet has been lodged and no disciplinary proceedings have been initiated against the petitioner. Therefore, he seeks for the revocation of the suspension.

4. The learned Government Pleader appearing for the respondents would submit that if the petitioner placed all the materials before the respondents, the respondents will consider the same and take appropriate decision in the light of the Full Bench Judgment passed in the case of P.Kannan Vs. The Commissioner for Municipal Administration and others passed in W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. On considering the aforesaid submissions of the parties, the learned counsel for the petitioner also undertakes to make a representation to the respondents seeking for the revocation of the suspension order, where the second respondent has placed the petitioner under prolonged suspension and in the light of the Hon'ble Full Bench Judgment passed in the case of P.Kannan Vs. The Commissioner for Municipal Administration and others passed in W.P.Nos.2165 of 2015 and 21628 of 2018 dated 15.03.2022, this Court is inclined to pass the following order:

The petitioner is directed to make his representation to the respondents seeking for the revocation of the suspension order by placing all the relevant materials within a period of two weeks from the date of receipt of a copy of this order. If any



such representation is received within the said period of time, the respondents are directed to consider the said representation and pass appropriate orders on merits and in accordance with law by taking note of the decision rendered by the Hon'ble Full Bench Judgment of this Court as stated supra within a period of eight weeks from thereafter.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai Police,
Chennai - 600 007.

2. The Additional Commissioner of Police (Traffic),
Greater Chennai Police,
Kilpauk, Chennai - 600 010.

+1cc to Mr. D. Selvaraju, Advocate, S.R.No.30126

+1cc to the Government Pleader, S.R.No.30714

W.P.No.6677 of 2022
and
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EV(CO)
RN(04/05/2022)