



W.P.No.481 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.481 of 2018

T.Selvam Petitioner

-Vs-

1.The Director General of Police
DGP-Office, Chennai 600 004.

2.The Deputy Inspector General of Police
Madurai Range, Madurai.

3.The Superintendent of Police
Virudhunagar, Virudhunagar District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to execute the memorandum as instructed by the 1st respondent in complying with the Hon'ble High Court order pertaining to W.P.No.1433 of 2016 and further direct the 1st and 3rd respondent to release pending salary dues of petitioner which is still pending from the date of termination of service which the same is illegal as only suspension alone to be carried out as per under Rule 17(b) of Civil Services Act instead of termination and pass orders on the representation made by the petitioner dated 15.12.2017.

For Petitioner : Mr.J.Arockhilaraj
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader



W.P.No.481 of 2018

ORDER

WEB COPY

The prayer sought for herein is for a Writ of Mandamus directing the 3rd respondent to execute the memorandums as instructed by the 1st respondent in complying with the Hon'ble High Court order pertaining to W.P.No.1433 of 2016 and further direct the 1st and 3rd respondent to release pending salary dues of petitioner which is still pending from the date of termination of service which the same is illegal as only suspension alone to be carried out as per under Rule 17(b) of Civil Services Act instead of termination and pass orders on the representation made by the petitioner dated 15.12.2017.

2. The petitioner was working as Data Entry Operator in the Office of the Superintendent of Police, Virudhunagar Circle from the year 2005. However, in view of the criminal proceedings ie., C.C.No.52 of 2013 on the file of the Court of Principal Judge, Srivilliputhur the petitioner was terminated from service.

3. However, in the criminal case it is claimed that the petitioner has subsequently been acquitted and when the same was brought to the notice through letter dated 05.05.2017, no consideration was shown and thereafter the petitioner filed W.P.No.1433 of 2016, where some orders had been passed pursuant to which on 04.05.2017 and 03.10.2017 two memorandums have been



W.P.No.481 of 2018

issued by the first respondent to the third respondent to the effect that, if at all the third respondent being the disciplinary authority wants to initiate any disciplinary proceedings against the petitioner he can frame charge under Rule 17(b) and proceed further.

4. Despite this communication issued by the first respondent vide memorandums dated 04.05.2017 and 03.10.2017 no further action seems to have been taken by the third respondent. Therefore, the petitioner gave a representation to that effect on 15.12.2017 and since the same was not acted upon, the petitioner has approached this Court by filing this writ petition.

5. Heard Mr.J.Arokhiaraj learned counsel for the petitioner and Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents.

6. Learned Special Government Pleader would submit that, if at all the earlier order passed by this Court has not been complied with, it is open to the petitioner to file a contempt petition even for which limitation has already lapsed and therefore at this juncture the present prayer sought for cannot be granted.



W.P.No.481 of 2018

WEB COPY

7. Insofar as the two memorandums issued by the first respondent referred to above is concerned, even though in the criminal case the petitioner had been acquitted, it is open to the disciplinary authority ie., the third respondent to initiate disciplinary proceedings, without which the third respondent cannot simply terminate the services of the petitioner. Therefore, in order to initiate the disciplinary proceedings, the impugned memorandums were issued by the first respondent to the third respondent, who as the disciplinary authority and also the subordinate officer of the first respondent, ought to have scrupulously followed the memorandums issued by the first respondent. However, the same has not been complied despite request made by the petitioner in this regard on 15.12.2017.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the third respondent to act upon on the two memorandums referred to above issued by the first respondent with regard to the proposed disciplinary action against the petitioner and whether they want to initiate any disciplinary action, they can do so or otherwise, if they want to



WEB COPY



W.P.No.481 of 2018

drop the proceedings, to that effect an order can be passed by the third respondent so that a quietus can be given to the issue raised by the petitioner through his representation dated 15.12.2017.

- The needful as indicated above shall be undertaken by the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

29.07.2022

Index : Yes/No
Internet : Yes/No
KST
To

- 1.The Director General of Police
DGP-Office, Chennai 600 004.
- 2.The Deputy Inspector General of Police
Madurai Range, Madurai.
- 3.The Superintendent of Police
Virudhunagar, Virudhunagar District.



WEB COPY



W.P.No.481 of 2018

R. SURESH KUMAR, J.

KST

W.P.No. 481 of 2018

29.07.2022