



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23703 of 2016
and
W.M.P.No.20307 of 2016

K.Sekar

... Petitioner

Vs.

1.Deputy Inspector General of Police,
Villupuram Range,
Villupuram.

2.Superintendent of Police,
District Police Office,
Villupuram.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent herein to his proceedings R.O.NO.62/2014 in C.No.B2/1573/2014 dated 06/02/2014 and C.NO.B2/1573/2014 dated 30.07.2014 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service together with all consequential service and monetary benefits.



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For Petitioner	: Mr.G.Bala M/s.Bala and Daisy
For Respondents	: Mr.S.Rajesh Government Advocate

ORDER

The order of suspension dated 06.02.2014 and the consequential rejection order dated 30.07.2014 are under challenge in the present writ petition.

2. The petitioner was placed under suspension on account of the fact that a Criminal Case was registered against him by the Villupuram Vigilance and Anti-Corruption Unit in Crime No.1 of 2014 under Section 7 of Prevention of Corruption Act 1988.

3. The learned counsel for the petitioner made a submission that the Criminal Case registered against the writ petitioner was taken up for hearing as Special Case No.04 of 2015 and the petitioner was acquitted from all the charges.



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4. Acquitted in a Criminal Case is not a bar for the Disciplinary Authority to continue with the departmental disciplinary proceedings. The disciplinary proceedings initiated are to be continued by following the procedures as contemplated under the Discipline and Appeal Rules. Thus, mere acquittal is not a ground to seek exoneration from the departmental disciplinary proceedings. However, the continuance of suspension or otherwise is to be reviewed by the competent authorities.

5. In view of the fact that the Criminal Case ended with an order of acquittal, the principles regarding simultaneous proceedings stated by this Court and the Government was also issued orders in G.O.Ms.No.81, Human Resource Management (N) Department dated 04.08.2022. Therefore, the respondents are directed to review the impugned order of suspension and take appropriate action. If at all the further continuance of suspension became unnecessary, the petitioner may be reinstated into service, in the event of continuing the departmental disciplinary proceedings under the Discipline and Appeal Rules.



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6. With these directions, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Jeni

Index : Yes

Speaking order

To

- 1.The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.
- 2.The Superintendent of Police,
District Police Office,
Villupuram.



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S.M.SUBRAMANIAM, J.

Jeni

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