



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14393 of 2020

and

W.M.P.Nos.17866, 17867 and 17869 of 2020

V.Pathy

...Petitioner

Vs.

1.The Inspector General of Police,
Coimbatore Range,
Coimbatore.

2.The Deputy Inspector General of Police,
Coimbatore Range,
Race Course Road,
Coimbatore.

3.The Superintendent of Police,
Coimbatore.

...Respondents

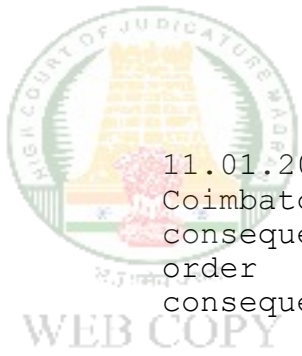
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the concerned records relating to the order in C.No.368/D1/2019 R.O.10/2019 dated 11.01.2019 by the Deputy Inspector General of Police, Coimbatore-18, the second respondent and quash the same and consequently direct the respondents to revoke the suspension order and reinstate the petitioner in service with all consequently, monetary and other benefits.

For Petitioner : Mr.M.Gnanasekar

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 the concerned records relating to the order in C.No.368/D1/2019 R.O.10/2019 dated



11.01.2019 issued by the Deputy Inspector General of Police, Coimbatore-18, the 2nd respondent herein and quash the same and consequently, to direct the respondents to revoke the suspension order and reinstate the petitioner in service with all consequently, monetary and other benefits.

2. According to the petitioner, the petitioner was placed under suspension by the 2nd respondent by an order dated 11.01.2019 and the 2nd respondent has served a charge memo dated 13.02.2020 under Rule 3-B of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 to the petitioner. According to the petitioner, a criminal case has been registered against him by the Deputy Superintendent of Police, Vigilance and Anti-Corruption Department in Crime No.1/19/AC/ER for the alleged offences under Section 7 r/w Section 12 of the Prevention of Corruption (Amendment) Act, 2018. The aforesaid criminal case is pending before the concerned jurisdictional Criminal Court. Thereafter, he made a representation dated 18.08.2020 to the 2nd respondent for revocation of the impugned suspension order. But so far, no orders has been passed.

3. The learned counsel appearing for the petitioner submitted that the 3rd respondent has not paid the enhanced subsistence allowance to the petitioner from 50% to 75% and also the 3rd respondent has not paid the enhanced arrears of subsistence allowance. Therefore, he filed the present writ petition before this Court to revoke the impugned suspension order and to pay enhanced subsistence allowance to him as per rules.

4. The 2nd respondent has filed counter affidavit, wherein it has been stated that the petitioner's representation dated 23.09.2019 addressed to the Superintendent of Police, Erode District/the 3rd respondent herein for enhancing his subsistence allowance from 50% to 75%, which was misplaced. Subsequently, the same was traced and by the proceedings in Naa.Kaa.No.J1/1122/2019 dated 17.10.2020, the Superintendent of Police, Erode District has forwarded the same to the 2nd respondent herein. The 2nd respondent has considered the request of the petitioner and issued orders in Punishment Roll No.04/D1/2020 dated 17.10.2020 enhancing the subsistence allowance of the petitioner.

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

- (i) The 2nd respondent is directed to consider the petitioner's representation dated 18.08.2020 for revocation of the impugned suspension order 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



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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 twelve weeks from the date of receipt of a copy of this order.

(ii) The 3rd respondent is directed to settle the enhanced subsistence allowance to the petitioner as per the orders issued in Punishment Roll No.04/D1/2020 dated 17.10.2020, within a period of six weeks from the date of receipt of a copy of this order, if not already settled to the petitioner. If already the enhanced arrears amount of subsistence allowance is paid, the 3rd respondent shall not comply the said order.

6. With the above directions, the writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

dm

To

1.The Inspector General of Police,
Coimbatore Range,
Coimbatore.

2.The Deputy Inspector General of Police,
Coimbatore Range,
Race Course Road,
Coimbatore.

3.The Superintendent of Police,
Coimbatore.

+1cc to Mr.M.Gnanasekar, Advocate Sr.No.25701

+1cc to the Government Pleader Sr.No.25954

W.P.No.14393 of 2020

MT (CO)
RVM (05/05/2022)