



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.9660 of 2014
and
M.P.Nos.1 & 2 of 2014

V.Anandaraj

... Petitioner

Vs.

1. The Administrative Officer,
Institute of Mental Health,
Kilpauk, Chennai - 600 010.

2. The Director,
Institute of Mental Health,
Kilpauk, Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the second respondent in K.Dis.No.2563/E3/2012 dated 26.03.2012 and to quash the same and consequently, direct the respondents to reinstate the petitioner into service with all consequential benefits.

For Petitioner : Mr.V.Purushothaman
for M/s.E.Angayarkanni

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

O R D E R

The order of suspension dated 26.03.2012 placing the petitioner under suspension on the ground that enquiry into grave charges is contemplated, is under challenge in the present writ petition.

2. Learned Government Advocate appearing on behalf of the respondents mainly contended that a criminal case was registered against the petitioner on 28.03.2012 u/s.354 and 509 IPC in Crime No.360 of 2012. The petitioner was remanded to judicial custody and later, released on bail. Though departmental disciplinary proceedings were initiated, due to the fact that a criminal case is pending, further proceedings are dropped. Admittedly, the criminal case registered against the writ petitioner is pending.



3. Regarding simultaneous proceedings, viz., departmental proceedings and criminal proceedings before the competent criminal Court of law, the disciplinary authority is empowered to continue the disciplinary proceedings during the pendency of the criminal case. In other words, there is no bar for continuation of departmental disciplinary proceedings during the pendency of a criminal case provided documents and evidences are available. If at all, the documents are already handed over for investigation to the police, the department authorities are empowered to collect certified copies of the same and proceed with the departmental enquiry, if the materials are available on record. In the present case, the allegation against the petitioner is serious in nature. The complaint was given by a staff nurse, who was working in the particular ward of the Institute of Mental Health, Kilpauk, Chennai.

4. Considering the nature of allegations against the petitioner and further, a criminal case is pending, this Court is not inclined to consider the relief as such sought for in the present writ petition.

Accordingly, the present Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Administrative Officer,
Institute of Mental Health,
Kilpauk, Chennai - 600 010.

2.The Director,
Institute of Mental Health,
Kilpauk, Chennai - 600 010.

+1cc to M/s.E.Angayarkanni, Advocate SR. No. 36837

+1cc to Government Pleader SR. No. 37419

Writ Petition No.9660 of 2014

MG (CO)

PR (05/07/2022)

<https://hcservices.ecourts.gov.in/hcservices/>