



WEB COPY



W.P.No.29658 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29658 of 2022 &
W.M.P.No.29042 of 2022

U.S.Rajan

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home(Police 2) Department,
Fort St.George, Chennai - 9.

2. The Director General of Police,
Dr.Radhkrishnan Salai,
Mylapore, Chennai - 600004.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records for the present Impugned order passed in G.O.(2D) No. 374 dated 13.09.2022 on the file of the 1st respondent and quash the same.

For Petitioner

...

Mr.Mohamed Fayaz Ali,
for Mr.R.Kannan

For Respondents

...

Mr.L.S.M.Hasan Fizal,
Additional Government Pleader



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ORDER

WEB COPY The petitioner who is a Deputy Superintendent of Police, has challenged the impugned suspension order dated 13.09.2022 issued to him by the first respondent.

2. The petitioner has been suspended from service under the impugned order. According to the petitioner, a sexual harassment complaint has been given by his Junior against the petitioner, pursuant to which, an Internal Complaints Committee has been constituted and a report dated 14.03.2022 has been submitted by the said committee.

3. Even though the petitioner has challenged the impugned suspension order which has been issued to him on the verge of his retirement, the learned counsel for the petitioner would now submit on instructions that the petitioner will be satisfied, if the enquiry proceedings initiated against him gets concluded before the date of his retirement. The petitioner is retiring from service on 01.05.2023.



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4. Learned Additional Government Pleader appearing for the respondents would also state that the respondents will not have any serious objection, if a direction is issued to the respondents to complete and conclude the enquiry proceedings initiated against the petitioner on or before the petitioner's retirement date.

5. Learned counsel for the petitioner also contends that till date, no charge memo has been issued to the petitioner.

6. Necessarily, a charge memo will have to be issued expeditiously and an enquiry officer will have to be appointed thereafter, who shall submit his report after affording a fair hearing to the petitioner.

7. This Court is of the considered view that within a period of four months from the date of receipt of a copy of this Order, the enquiry proceedings initiated against the petitioner with regard to the sexual harassment complaint will have to be concluded and final orders will have to be passed by the disciplinary authority.



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8. For the foregoing reasons, this writ petition is **disposed of** by

issuing following directions:

(a) The second respondent is directed to issue a charge memo to the petitioner within a period of two weeks from the date of receipt of a copy of this Order and appoint an enquiry officer within a period of two weeks from the date of getting an explanation from the petitioner to the charge memo to be issued to the petitioner.

(b) The Enquiry Officer to be appointed by the second respondent shall, after affording a fair hearing to the petitioner, submit a report to the second respondent and the second respondent who is the disciplinary authority, shall pass final orders within a period of four months from the date of receipt of a copy of this Order.

(c) The petitioner shall cooperate with the enquiry proceedings to enable the second respondent to pass final orders within a period of four months from the date of receipt of a copy of this Order.

9. However, the petitioner is also granted liberty to give a fresh representation to the second respondent seeking for revocation of the



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impugned suspension order within a period of one week from the date of receipt of a copy of this Order and the same shall be considered on merits and in accordance with law within a period of two weeks thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

22.11.2022

Note: Issue order copy on **22.11.2022**

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Index: Yes/ No

Speaking Order/Non-speaking Order



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To

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ABDUL QUDDHOSE, J.

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