



W.P.No.29895 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29895 of 2022
and
W.M.P.No.29288 of 2022

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K.S.Srijayavel

.. Petitioner

Vs.

1. Deputy Commissioner of Police,
Traffic North,
Chennai-600 001.
2. Assistant Commissioner of Police,
Flower Bazar Traffic Sub-Division,
Chennai-600 089.
3. Joint Commissioner of Police,
Traffic (South), Chennai-600 007.
4. Assistant Commissioner of Police,
Traffic Investigation (West),
Greater Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the second respondent herein in his proceedings Tha.Ko.No.53/Po.Va.Tha.Pi/(Va)/2022, under Rule 3(b), dated 15.06.2022 and quash the same.

For petitioner : M/s.G.Bala and Daisy

For respondents: Mr.L.S.M.Hasan Fizal, Addl.G.P.



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ORDER

The petitioner has filed this Writ Petition challenging the impugned charge memo, dated 15.06.2022 issued to the petitioner.

2. The petitioner has challenged the impugned charge memo on the ground that for the same set of facts, criminal prosecution has been launched against him and charge sheet has also been filed against him and the case is pending before the Special Court for cases under the Prevention of Corruption Act, Chennai in C.C.No.8 of 2022.

3. The main ground of attack on the impugned charge memo is that the Department ought not to have initiated disciplinary proceedings before conclusion of the criminal case.

4. However, this Court is of the considered view that there is no prohibition for the Department to initiate enquiry/disciplinary proceedings against the petitioner.

5. Learned counsel for the petitioner submitted that the petitioner will be satisfied if a direction is issued to proceed with the disciplinary proceedings by holding enquiry, but not to pass final orders in the enquiry



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proceedings till the judgment is rendered in the criminal case.

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6. No prejudice would be caused to the respondents, if such a direction is issued.

7. Accordingly, this Writ Petition is disposed of, with a direction to the respondents to proceed with the disciplinary/enquiry proceedings pursuant to the issuance of the charge memo against the petitioner on 15.06.2022. The petitioner is also directed to co-operate with the said enquiry proceedings. However, it is made clear that the respondents shall not pass final orders in the enquiry proceedings and shall wait for the outcome of the judgment to be passed in the criminal case in C.C.No.8 of 2022.

8. There shall be no order as to costs. Consequently, W.M.P. is closed.

11.11.2022

Speaking Order: Yes/no

CS



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To

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ABDUL QUDDHOSE, J

CS

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