



W.P.(MD).No.16316 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16316 of 2019

and

W.M.P(MD)No.12972 of 2019

S.Rajamanickam

... Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Mylapore,
Chennai-600 004.
- 2.The Additional Director General of Police,
Office of the Additional Director General of Police,
Mylapore,
Chennai-600 004.
- 3.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Vellore Range,
Vellore District.
- 4.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Dindigul Range,
Dindigul District.

... Respondents



W.P.(MD).No.16316 of 2019

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order passed by the 1st respondent in R.C.No.119452/AP.IV(2)/2016 dated 24/11/2018 relating to P.R.No.09/2009 modifying the orders passed by the 2nd respondent in R.C.No.093863/A.IV(2)/2015 dated 01/03/2016 and the order passed by the 3rd respondent in his proceedings C.No.B2/P.R.No.04/2015 dated 09/04/2015 and to quash the same.

For Petitioner : M/s.P.Jessi Jeeva Priya

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the order passed by the 1st respondent in R.C.No.119452/AP.IV(2)/2016 dated 24/11/2018 relating to P.R.No.09/2009 modifying the orders passed by the 2nd respondent in R.C.No.093863/A.IV(2)/2015 dated 01/03/2016 and the order passed by the 3rd respondent in his proceedings C.No.B2/P.R.No.04/2015 dated 09/04/2015.

2. The petitioner was appointed in the department as Direct Sub Inspector of Police on 20.03.1999. Further, he has holding several posts. The petitioner



W.P.(MD).No.16316 of 2019

while discharging his duty as Inspector of Police, recovered 400 grams of Ambitamin, a Norcotic Substances. Based on his complaint, F.I.R was registered in Crime No.40 of 2006, dated 30.06.2006 against Eswaramoorthy. In this case, wife of the said Eswaramoorthy, namely Kalyani preferred a complaint to the Additional Director General of police on 06.07.2006. On enquiry, the respondents have taken a serious action against the petitioner. The petitioner was transferred to Theni District. Thereafter, he was placed under suspension by proceedings, dated 08.08.2006 and charge memo was issued along with other team mates. Then, case was registered in P.R.No.9 of 2009, dated 17.02.2009. After conducting an enquiry, the petitioner was imposed with compulsory retirement. The Director General of Police has set aside the punishment of compulsory retirement and has directed the authorities to keep the petitioner under suspension until the disposal of the criminal case. The petitioner has challenged that portion of the order where the petitioner was kept under suspension until the disposal of criminal case.

3. The learned Additional Government Pleader appearing for the respondents submitted that the suspension order was passed based on Rule 3 (iii) of Tamil Nadu Police Subordinate Service Rules. Hence, the respondents



W.P.(MD).No.16316 of 2019

submitted that the suspension order was passed as per rule. Therefore, the claim of the petitioner cannot be entertained.

4. Heard M/s.P.Jessi Jeeva Priya, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents and perused the records.

5. A perusal of Rule 3 (iii) of Tamil Nadu Police Subordinate Service Rules states that the authority can suspend a person until further orders. It is not stating that they have to be kept under suspension until disposal of the criminal case. In this present case, the Deputy Inspector General of Police has passed the order to keep the petitioner under suspension until disposal of the criminal case. On perusing the impugned order, the Deputy Inspector General of Police has not stated any reason for keeping the petitioner under suspension until the disposal of the criminal case.

6. The learned counsel appearing for the petitioner submitted that there is no suspension order against the co-accused/co-delinquent. All other co-delinquents were allowed to continue their service for which the petitioner



W.P.(MD).No.16316 of 2019

relied on the order, dated 21.09.2007 passed in the case of one Kannan.

Therefore, this Court is inclined to interfere with the order. Therefore this Court is quashing that portion of the impugned order where it states the petitioner should be kept under suspension until disposal of the criminal case. The respondents are directed to reinstate the petitioner. The respondents are at liberty to take further proceedings after disposal of the criminal case in accordance with law. The above said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.12.2022

Index : Yes / No

Internet : Yes/ No

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To

1. The Director General of Police,
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Mylapore,
Chennai-600 004.



W.P.(MD).No.16316 of 2019

WEB COPY

2. The Additional Director General of Police,
Office of the Additional Director General of Police,
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Chennai-600 004.

3. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Vellore Range,
Vellore District.

4. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
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WEB COPY



W.P.(MD).No.16316 of 2019

S.SRIMATHY, J.

gbg

W.P.(MD).No.16316 of 2019



WEB COPY



W.P.(MD).No.16316 of 2019

23.12.2022