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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2098 of 2023
and W.M.P No.2186 of 2023

Rajaram

Petitioner

vs.

1.The Superintendent of Police,
Thiruvannamalai District.

2.The Enquiry Officer/Deputy Superintendent of Police,
Polur Sub-Division,
Thiruvannamalai District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records of the respondents in connection with the impugned charge memo issued in H2/PR. No. 16/ 2022 dated 22.04.2022 and quash the same and grant such other further relief as this Court.

For Petitioner : Mr.R.Dineshkumar

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This writ petition has been filed challenging the Charge Memo issued by

the 1st respondent through proceedings dated 22.04.2022.



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2.The case of the petitioner is that he was working as a Police Constable Grade II at the Cheyyar Police Station. Based on the complaint given by one Thirumalai, an FIR came to be registered in Crime No.13 of 2022 and based on the same, disciplinary proceedings have been initiated against the petitioner. Charge Memo was issued to the petitioner by the 1st respondent through proceedings dated 22.04.2022.

3.The grievance of the petitioner is that the respondent is proceeding further with the disciplinary proceedings even without there being any progress in the criminal case lodged against the petitioner. Hence, the charge memo has been put to challenge in the present writ petition.

4.Heard Mr.R.Dineshkumar, learned counsel appearing on behalf of the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the respondents.

5.During the course of hearing, considering the nature of allegation made against the petitioner, this Court expressed its mind that this Court is not inclined to interfere with the charge memo. The learned counsel fairly



submitted that the disciplinary proceedings can go on and there should be a direction to the 1st respondent not to finalize and take a decision in the disciplinary proceedings, till the criminal case gets completed. The learned counsel submitted that if the disciplinary proceedings are allowed to be completed, the petitioner has to necessarily expose his defence and it will cause prejudice to the petitioner in the criminal proceedings. To Substantiate his submission, the learned counsel brought to the notice of this Court the judgment of the Apex Court in ***Capt.M.Paul Anthony vs. Bharat Gold Mines Ltd. and Another*** reported in ***1999 3 SCC 679***. The learned counsel also placed reliance upon the recent order passed by this Court in W.P.No.19773 of 2021, dated 17.09.2021 following the above Supreme Court Judgment.

6.Taking into consideration the facts and circumstances of the case and taking note of the judgments cited by the learned counsel for the petitioner, there shall be a direction to the 1st respondent to proceed further with the disciplinary proceedings, but however, the final outcome shall be kept in abeyance, till the completion of the criminal proceedings. The final determination in the disciplinary proceedings shall await till the final result in the criminal proceedings and to that extent, right of the petitioner is safeguarded.



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N. ANAND VENKATESH, J.

SSR

7.This writ petition is disposed of with the above direction. No Costs.

Consequently, connected miscellaneous petition is closed.

27.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

- 1.The Superintendent of Police,
Thiruvannamalai District.
- 2.The Enquiry Officer/Deputy Superintendent of Police,
Polur Sub-Division,
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