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W.P.No.6931 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.6931 of 2023

and

W.M.P.No.7031 of 2023

Kothanda Narasimhan

..... Petitioner

-Versus-

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai-8.

2.The Director General of Police,
Law and Order,
Tamil Nadu, Mylapore,
Chennai 600 004.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in connection with the impugned order passed by the 1st respondent in PR No.249/PR.IV(2)/2005 dated 19.11.2010 and confirmed by the 2nd respondent in Rc.No.313920/AP.3(2)/2019 dated 13.11.2021 (signed on 15.11.2021) and to quash the same and direct the respondents to treat the period of suspension as duty for all purposes.



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For Petitioner : *Mr.K.Venkatramani,*
Senior Counsel for
Mr.M.Muthappan

For Respondents : *Mr.V.Jeevagiridharan,*
Addl. Government Pleader
for RR1 & 2

ORDER

This writ petition challenges the order of punishment passed by the 1st respondent in PR No.249/PR.IV(2)/2005 dated 19.11.2010 and as confirmed by the 2nd respondent in Rc.No.313920/AP.3(2)/2019 dated 13.11.2021 (signed on 15.11.2021) and seeks a consequential direction to the respondents to treat the period of suspension as duty for all purposes.

2. The contention of the petitioner is that on completing the investigation, the CBI had concluded that the petitioner was no way connected with the leakage of question paper and as such further action in the criminal charges as against the petitioner had been dropped by the CBI.

3. Heard both sides.

4. This court had set aside the punishments imposed on two of the similarly placed co-delinquents by order dated 03.12.2019 made in W.P.(MD) No.7118 of 2017 and dated 20.12.2021 made in W.P.No.5774 of 2017 on the ground that there could not be any discrimination among the similarly placed co-delinquents. In fact, a single Judge's order dated 12.07.2021 made in



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W.P.No.43946 of 2016 with respect to other similarly placed co-delinquent has been confirmed by the Division Bench of this Court by judgement dated 03.01.2023 in W.A.No.1180 of 2022.

5. A memo has been filed by the 1st respondent stating that although the name of the petitioner was included in the FIR, the CBI during investigation found that the petitioner was no way connected with the allegation of leakage of question paper and the CBI had dropped further action as against the petitioner in the criminal case. The learned Additional Government Pleader has also produced a photo copy of the proceedings of the Director General of Police, Tamil Nadu dated 15.06.2023 whereunder the Commissioner of Police, Chennai, was requested to implement the order of the Division Bench of this court dated 12.07.2021 made in W.P.No.43946 of 2016. On instructions, today, the learned Additional Government Pleader submitted that the orders of the court have been complied with in respect of the similarly placed co-delinquents.

In the light of the factual discussions made above and legal position, the writ petition succeeds and the punishment imposed against the petitioner herein is liable to be set aside.



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In the result, the impugned orders are set aside. The respondents are directed to treat the period of suspension as duty period for all purposes. The petitioner will be entitled for all monetary and other promotional benefits which he would have been otherwise entitled to, in the absence of punishment awarded. This writ petition is allowed accordingly. No costs. Consequently connected MP is closed.

06..07..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

- 1.The Commissioner of Police,
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Veppery, Chennai-8.
- 2.The Director General of Police,
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N.SATHISH KUMAR.J.,

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