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W.P.No.8782 of 2020
& W.M.P.No.10658 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.10.2023

PRONOUNCED ON : 06.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8782 of 2020
& W.M.P.No.10658 of 2020

M.Vijayakumar

...

Petitioner

versus

1.The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore Central Jail Campus,
Coimbatore - 18.

2.The Superintendent of Prison,
Central Prison, Salem.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to defer all further proceedings pursuant to the charge memo in Memo No.1484/P1/2018 dated 27.02.2020 on the file of the second respondent pending criminal proceedings in Spl.C.C.No.8 of 2019 on the file of the Special Court for the Exclusive Trial of Prevention of Corruption Act Cases, Salem.

For Petitioner : Mr.R.Jayaprakash

For Respondents : M/s.P.Rajarajeswari
Government Advocate



ORDER

The petitioner has filed this petition seeking for a writ of mandamus, directing the second respondent to defer all further proceedings pursuant to the charge memo in Memo No.1484/P1/2018 dated 27.02.2020 on the file of the second respondent pending criminal proceedings in Spl.C.C.No.8 of 2019 on the file of the Special Court for the Exclusive Trial of Prevention of Corruption Act Cases, Salem.

2. Heard Mr.R.Jayaprakash, learned counsel for the petitioner; Mrs.P.Rajarajeswari, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner joined the service as a Junior Assistant in the second respondent Prison Department on 22.09.1997 and he was promoted to the post of Assistant on 12.06.2006. On a complaint given by one Mahendrakumar, F.I.R. has been filed and later charge sheet has been filed against the petitioner under Vigilance and Anti-Corruption Department, Salem and the petitioner was facing the criminal proceedings in Special



C.C.No.8 of 2019 before the Special Court for the Exclusive Trial of
Prevention of Corruption Act Cases, Salem.

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4. In connection to the above said case, the petitioner was suspended from his service on 27.01.2018. The criminal proceedings are still pending. In the interregnum, the second respondent was given with the impugned charge memo. Even though the petitioner was ready and willing to participate in the departmental enquiry, the same can not be conducted effectively because the witnesses and the documents involved in the criminal case and disciplinary proceedings are one and the same. Hence, the petitioner has filed this Writ Petition seeking a direction to the second respondent to defer the charge memo issued against him.

5. The petitioner has already filed Writ Petition in W.P.No.12662 of 2014 for the very same relief. In the said Writ Petition, the following order has been passed:-

“6. In the result, the writ petition is allowed with a direction to the first respondent to keep the disciplinary proceeding pending against the petitioner in abeyance until



the conclusion of the criminal case in C.C.No.245 of 2013 on the file of the learned Judicial Magistrate No.II, Dharmapuri.”

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6. In the above said order it is clarified that C.C.No.245 of 2013 pending before the learned Judicial Magistrate No.II, Dharmapuri got renumbered as Special C.C.No.8 of 2019 and transferred to the Special Court for the Exclusive Trial of Prevention of Corruption Act Cases, Salem.

7. Since there is already an order of this Court which has directed the first respondent to keep the disciplinary proceedings against the petitioner in abeyance until the conclusion of the criminal case, there is no point in continuing the same during the pendency of the criminal proceedings. No doubt, the criminal proceedings are pending for years together and in such case, it is for the respondents to expedite the trial and to see that the proceedings are completed at the earliest.

8. It is submitted by Mr.R.Jayaprakash, learned counsel for the petitioner that the trial has already commenced on 16.03.2020 and due to covid-19 pandemic, the trial has not progressed. Hence, the respondents are



expected to obey the earlier order of this Court dated 30.04.2014 in its true letter and spirit.

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9. With the above observations, this Writ Petition is disposed and the second respondent is directed to obey the earlier order passed by this Court in W.P.No.12662 of 2014 dated 30.04.2014. No costs. Consequently, connected Miscellaneous Petition is closed.

06.11.2023

Speaking order /Non-Speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The Special Court for the Exclusive Trial
of Prevention of Corruption Act Cases,
Salem.
- 2.The Deputy Inspector General of Prisons,
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Coimbatore Central Jail Campus,
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- 3.The Superintendent of Prison,
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R.N.MANJULA, J.

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Pre-Delivery Order made in
W.P.No.8782 of 2020
& W.M.P.No.10658 of 2020

06.11.2023