



WEB COPY



W.P.No.23795 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23795 of 2023 and
W.M.P.No.23300 of 2023

V.Dhanabal

... Petitioner

Versus

1.The Director General of Police (L&O),
Mylapore, Chennai – 600 004.

2.The Inspector General of Police,
West Zone,
Coimbatore Range,
Coimbatore.

3.The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction in the nature of Writ, calling for the entire records leading to order C.No.D/12199/2017 R.C.187/2017 dated 10.11.2017 on the file of the 3rd respondent and that of the consequential order made in P.R.No.12199/D1/2017 dated 19.12.2022 on the file of the 3rd respondent and quash the same and direct the respondents to post petitioner in the non sensitive work.

For Petitioner : Mr.N.Naganathan

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader



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ORDER

This Writ Petition has been filed to call for the entire records leading to order C.No.D/12199/2017 R.C.187/2017, dated 10.11.2017 on the file of the 3rd respondent and that of the consequential order made in P.R.No.12199/D1/2017, dated 19.12.2022 on the file of the 3rd respondent and quash the same and direct the respondents to post petitioner in the non sensitive work.

2.The contention of the Writ Petitioner on the basis of the criminal case registered by the Vigilance and Anti Corruption, Coimbatore in Crime No.06/2017/AC/CB, the petitioner was placed under suspension. During investigation, the petitioner was arrested and remanded to judicial custody for few days. Previously, the petitioner has filed a Writ Petition in W.P.No.25679 of 2018 challenging the suspension order, dated 10.11.2017 passed by the 3rd respondent herein. This Court, by order, dated 12.07.2022 held as follows:-

“(10)In that view of the matter, this Court is inclined to dispose of the writ petition with the following directions:-

(a) There shall be a direction to the Department of Vigilance and Anti Corruption who is investigating the



case against the petitioner pursuant to the arrest of the petitioner on 09.11.2017 in Crime No.6 of 2017/AC/CB to file the charge sheet within a period of three months from the date of receipt of a copy of this order.

(b) Depending upon the investigation and filing of the charge sheet, it is open to the petitioner to make a request to the respondents after three months to revoke the suspension.

(c) Once such a plea is made by the petitioner, it is open to the respondents to consider the same on merits and to decide as to whether the prolonged suspension made against the petitioner by order dated 10.11.2017 can be revisited and the same can be revoked or not. Such a decision can be taken on receipt of such request from the petitioner after three months, within a further period of four weeks thereafter.”

Now based on the above said order, dated 12.07.2022, the impugned rejection order in P.R.No.12199/D1/2017, dated 19.12.2022 has been passed by the 3rd respondent.

3.The main ground on which the impugned rejection order has been passed is, the continuation of suspension of petitioner is absolutely necessary in the public interest until the disposal of criminal case in



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Coimbatore Vigilance and Anti Corruption Crime No.06/2017/AC/CB

pending against him. Admittedly, the final report in the criminal case has been filed against the petitioner and the same has also been taken on file by the learned Special Judge, Special Court for Prevention of Corruption Act, Coimbatore in Special C.C.No.9 of 2020. It is stated that totally, 33 witnesses have been cited in the final report, therefore, the trial will take sometime to reach its logical end.

4.In such view of the matter, having suspended the petitioner and paying maximum Subsistence Allowance without extracting work, in fact, is causing loss to the Government exchequer. Therefore, this Court is of the view that the 3rd respondent shall consider revisiting the suspension of the petitioner as per the guidelines issued in G.O.(Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022 in clause 11, within one month from the date of receipt of a copy of this order.

5.The 3rd respondent may also explore possibility of conducting the disciplinary proceedings without waiting for the outcome of criminal case since there is no bar in law to conduct the disciplinary proceedings



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simultaneously. In the event the petitioner is considered for revisiting his suspension, he may also be posted in any of the non-sensitive post even outside the jurisdiction.

6. With the above observation, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.08.2023

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

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To

1. The Director General of Police (L&O),
Mylapore, Chennai – 600 004.
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N.SATHISH KUMAR, J.
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