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W.P.No.27713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27713 of 2023

and

W.M.P.Nos.27193 & 27195 of 2023

K.Chithandi

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai – 07.

2.The Deputy Commissioner,
Armed Reserve-I,
Greater Chennai Police,
Pudupet, Chennai – 05.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for records relating to the order of the 2nd respondent made in Na.Ka. No.14/11485/ Tha.B.4(2) 2020 Se.Tha. Order No.247/ 2020 dated 06.02.2020 and that of the consequential order of the 2nd respondent made in Rc. No.24/ 11459/ PR.II(2)/ 2020 dated 11.09.2023 and to quash the same.

For Petitioner : Mr.L.Chandrakumar

For R1 and R2 : Mr.S.Prabhakaran



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Government Advocate

ORDER

This writ petition has been filed challenging the order dated 11.09.2023, rejecting the representation of the petitioner seeking revocation of suspension.

2.The petitioner was appointed as Grade-II Police Constable in the Police Department in the year 2008 and thereafter, he was promoted to the post of Grade-I Police Constable during 2018. While so, he was arrested for the alleged malpractice said to have been taken place during Group 2A Examination held by the TNPSC in the year 2017. Hence, the petitioner was placed under suspension vide proceedings dated 06.02.2020. In earlier occasion, this Court directed the respondents to consider revisiting the suspension of the petitioner. However, the impugned rejection order came to be passed on the ground that the case has been transferred to CBI from CBCID for further investigation. Challenging the same, this writ petition has been filed.

3.Considering the fact that the petitioner was originally appointed in the year 2008 and based on some complaints with regard to



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the alleged malpractices taken place during Group 2A Examination held by the TNPSC in the year 2017, he was placed under suspension. It is also relevant to note that the very complaint itself came to be filed only after a period of 2 years, that too, after the regularisation of the service of the petitioner. Though the allegations appear to be of serious in nature and the matter is pending from 2017 with the CBCID, no breakthrough whatsoever has been done. Now, it is transferred to CBI on 14.07.2022. Even after the matter is transferred to CBI from the CBCID, no concrete materials have been unearthed with regard to the petitioner as of today, except stating that the investigation is still going on. According to them, the investigation is in the initial stage.

4.It is relevant to note that similarly situated person who has qualified in the said examination and placed under suspension is reinstated by the Principal Secretary/Commissioner of Revenue Administration vide Proceedings No.O.P.1(1)/44863/2018 dated 09.06.2022. Similarly, Mrs.G.Saranya, who was also placed under suspension, the suspension is revoked and she is reinstated by the Treasury Officer, District Treasury, Tiruvallur vide Proceedings in Rc.No.10213/2020/A2 dated 23.03.2023. It is also stated by the counsels that the officials of the TNPSC who



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conducted examinations in the particular centre and carried the papers have been originally arrested and their suspension is also revoked, which aspect is not disputed by the respondents.

5. Such view of the matter, when there is no breakthrough in investigation, continuing the prolonged suspension will not serve any purpose. Accordingly, the order of suspension is liable to be revoked. The only ground stated by the respondents is that the CBI has not given permission to revoke the suspension. It is relevant to note that the letters of the CBI dated 01.05.2023 placed before this Court would indicate that the officials facing criminal/departmental proceedings on serious charges of corruption should be placed under suspension as early as possible and their suspension should not be revoked in a routine manner. However, in this case, the allegations are of the alleged malpractices in examination, but, no materials whatsoever is unearthed so far.

6. Such view of the matter, this Court is of the view that the respondents have passed the order of rejection of suspension without considering the prolonged suspension and no progress whatsoever made in the criminal case. In fact, the subsistence allowance is paid to the petitioner



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without extracting any work from him.

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7. Accordingly, this writ petition is allowed. The impugned order rejecting the revocation of suspension dated 11.09.2023 is hereby quashed and the suspension shall stand revoked and the petitioner is directed to be reinstated in the service. It is also made clear that he should be placed at non-sensitive work so that he may not handle the important records. No costs. Connected miscellaneous petitions are closed.

22.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Commissioner of Police,
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Veppery, Chennai – 07.

2. The Deputy Commissioner,
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Pudupet, Chennai – 05.



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N. SATHISH KUMAR, J.
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