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W.P.No.33286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33286 of 2023

R.Xavier Rajamani

... Petitioner

Vs.

1. The Director General of Police
Office of the Director General of Police
Chennai – 600 004
2. The Commissioner of Police
O/o.Commissioner of Police
Vepery, Chennai
3. The Deputy Commissioner of Police
Law & Order, Kilpauk Zone
Chennai – 600 010
4. The Assistant Commissioner
Ayanavaram Zone, Chennai – 600 010 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the Charged Memo dated 12.06.2021 issued by the third respondent



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herein in Ta.Ko.En.22/Ta.P (Ki)/2021) and quash the same.

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For Petitioner : Mr.R.Ramamoorthy

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

For his involvement in a criminal case, certain charges were levelled against the petitioner under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 on 12.06.2021. Complaining that there is no progress in the investigation, the present writ petition has been filed challenging the charge memo.

2. The learned counsel for the petitioner further submitted that though many of the witnesses including the Investigation Officer has been examined by the Enquiry Officer, thereafter there is no much progress. The only ground raised in the present writ petition is, there is an inordinate delay in completing the Disciplinary proceedings.

3. The learned Additional Government Pleader, on instructions, submitted that enquiry is being prolonged only owing to the petitioner in



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view of his non-cooperation.

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4. The learned counsel for the petitioner submitted that though he had sought for quashing of the charge memo, he would be satisfied if a direction is issued to the Disciplinary Authority to complete the disciplinary proceedings within a stipulated time. He further submitted that he would cooperate in the Disciplinary Proceedings.

5. In the light of the submissions made, there shall be a direction to the petitioner herein to cooperate with the disciplinary proceedings initiated pursuant to the charge memo dated 12.06.2021 and consequently, fourth respondent shall complete the enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in case the petitioner does not cooperate with the enquiry, the fourth respondent is at liberty to conclude the proceedings in his absence by recording his absence.

6. The writ petition is disposed of accordingly. No costs.

27.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No



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M.S.RAMESH,J.

gpa

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