



WEB COPY

W.P.No.33916 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33916 of 2017
and W.MP.No.37619 of 2017

S. Rajarethinam(deceased)

2. K.Saroja

3.Pozhil

(P2 and P3 substituted as Lrs of
Deceased Sole Petitioner)

... Petitioners

Vs.

1.State of Tamil Nadu
rep.by the Principal Secretary to Government
Home Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai 600 004.

3.Mr.Arun Sakthi Kumar,
Superintendent of Police
Tirunelveli District
Tirunelveli

4. Mr. Kumar
Deputy Superintendent of Police
Valliyoar
Tirunelveli District.



5. Mr. Stephen Jose
Inspector of Police
Panangudi Police Station
Tirunelveli District.

6.Mr. Vimal Kumar
Sub Inspector of Police
Pazhavor Police Station
Pazhavor
Tirunelveli District

7.Mr.Mohammed Samseer
Sub Inspector of Police
Pazhavor Police Station
Pazhavor
Tirunelveli District.

8.Mr. Chella Durai
Special Sub Inspector of Police(Special Wing)
Valliyoar
Tirunelveli District

9. Mr. Palani
Special Sub Inspector of Police
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.

10. Mr.Sagar,
Special Constable
Valliyoar
Tirunelveli District.

11.Mr.Jose
Special Constable
Valliyoar
Tirunelveli District.

... Respondents



W.P.No.33916 of

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing respondents 1 and 2 to place respondents 3, 4, 6 and 7 under suspension and to initiate appropriate disciplinary action against respondents 3 to 11 in accordance with the relevant Service Rules.

For Petitioners : Mr.M.Radhakrishnan

For Respondents 1 & 2 : Mr.P.Kumaresan,
Additional Advocate General
Assisted by,
Mr. G. Krishnaraja,
Additional Government Pleader

For Respondents
3 & 7 to 11 : Mr. G. Saravanan

For Respondent 6 : Mr. R. Narayanan

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to place respondents 3, 4, 6 and 7 under suspension and to initiate appropriate disciplinary action against respondents 3 to 11 in accordance with the relevant Service Rules.

2. The learned Additional Advocate General appearing on behalf of the State and the learned counsel appearing on behalf of the contesting respondents made a submission that the Government issued an order in



G.O.Ms.No.553 Public Department dated 24.10.2020 for initiation of departmental disciplinary proceedings against the contesting respondents under the Discipline and Appeal rules.

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3. Admittedly, three years had lapsed. Whether departmental disciplinary proceedings under the Discipline and Appeal Rules are initiated or not is to be clarified and further the charges under the relevant rules are to be framed for the purpose of conducting enquiry as contemplated under the Rules.

4. In the enquiry proceedings, the victims are also to be examined for the purpose of ascertaining the truth regarding the incidents. The enquiry of this nature is to be conducted by affording opportunity to all the parties and to unearth the truth regarding the allegations raised between the parties. However, the Government has already issued G.O.Ms.No.553 dated 24.10.2020 for initiation of disciplinary proceedings.

5. Therefore, the respondents 1 and 2 are directed to commence the departmental disciplinary proceedings by framing charges under the Rule 3(b) of the Tamil Nadu Police Subordinate Service (discipline and appeal)



Rules and proceed with the enquiry without causing undue delay and dispose of the same by following the procedures.

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6. In view of the fact that the relief sought for in the present writ petition has been partly complied with by issuing G.O.Ms.No.553 dated 24.10.2020, the authorities competent are bound to implement the Government Order by initiating departmental disciplinary proceedings against the officials concerned. The respondents 1 and 2 are directed to frame charges based on the Government Order and the document available on record within a period of two (2) weeks from the date of receipt of a copy of this order. After the issuance of charge memo, the authorities may proceed to conduct enquiry by following the procedures.

7. With these direction, **the writ petition stands disposed of.** No costs. Consequently, connected miscellaneous petition is closed.

8. Post the matter for reporting compliance on 25.09.2023.

07.09.2023

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No



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