



WEB COPY



W.A.No.190 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE TMT. JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No.190 of 2020
and CMP.No.2967 of 2020

Additional Director General of Police,
Crime, Chennai-9.

.. Appellant

vs.

A.R.Mohan

.. Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.12.2018 made in W.P.No.30644 of 2018.

For Appellants : Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.L.S.M.Hasan Fizal,
Additional Government Pleader.

For Respondent : Mr.G.Bala

JUDGMENT

(Judgment of the Court was made by D.Krishnakumar, J.)

According to the respondent/writ petitioner, challenging the impugned order of suspension as well as the order dated 28.05.2018 not permitting the petitioner to retire from service, the petitioner earlier had filed



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W.P.No.30644/2018 and the said writ petition was allowed by this Court on 10.12.2018 by directing the respondent to permit the petitioner to retire from service with effect from 31.05.2018. Subsequently, a charge memo came to be issued as against the respondent/writ petitioner on 24.10.2019 and the same was put to challenge in W.P.No.31756 of 2019, wherein this Court vide order dated 27.11.2019 has quashed the impugned charge memo with liberty to the appellant to proceed with the disciplinary proceedings in the manner known to law. According to the respondent/writ petitioner, as on today, no disciplinary proceedings is pending as against the writ petitioner and so far no writ appeal has been preferred as against the quashing of the charge memo by this Court and therefore, prays for the dismissal of the writ appeal.

2. The fact remains that the suspension order as well as the order not permitting the petitioner to retire from service was challenged in W.P.No.30644 of 2018 and the said writ petition was allowed by this Court on 10.12.2018 and the same has become final. Subsequently, a charge memo was issued against the petitioner on 24.10.2019, which was challenged in W.P.No.31756 of 2019 and the said writ petition was allowed by this Court by quashing the impugned charge memo. The appellant Department instead



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of filing the writ appeal as against the impugned order quashing the charge memo has filed the instant writ appeal, challenging the earlier of this Court dated 28.05.2018 in W.P.No.30644 of 2018

3. Considering the above facts and circumstances, we find no merit in this writ appeal and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

[D.K.K., J.,] [K.G.T., J.]
15.03.2023

Index : Yes / No
Internet : Yes / No
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