



W.P.(MD)No.2092 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2092 of 2023

and

W.M.P.(MD) No.1870 of 2023

R.Thirumalai

... Petitioner

Vs.

1.The Additional Chief Secretary to Government /
Home (Police.2) Department,
Secretariat,
Tamilnadu,
Chennai.

2.The Director General of Police,
O/o.The Director General of Police,
Head of Police Force,
Tamil Nadu,
Chennai - 4.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the G.O.(Ms) No.754 dated 17.10.2022 of the first respondent r/w. proceedings No.Rc.No.Con.(V(1) / 008993 / 2022 dated 17.10.2022 issued by the second respondent and quash the same and consequently direct the respondents to reinstate the petitioner with all consequential benefits.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.C.Satheesh,
Government Advocate

ORDER

This writ petition has been filed to quash the G.O.(Ms) No.754 dated 17.10.2022 of the first respondent r/w. proceedings No.Rc.No.Con. (V(1) / 008993 / 2022 dated 17.10.2022 issued by the second respondent and consequently direct the respondents to reinstate the petitioner with all consequential benefits.



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2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Grade-II Constable in the year 1986 and subsequently, he was promoted to the post of Sub-Inspector of Police in the year 1997 and thereafter, he was promoted to the post of Inspector of Police in the year 2018 and on 04.09.2020, he was promoted as Deputy Superintendent of Police and presently, he is working as Assistant Commissioner of Police, Tirunelveli. While-so, when he was in duty in Pudukkottai Police Station, Tuticorin, there was an agitation by the Thoothukudi people as against the Sterllite Company on 22.05.2018 and when the agitation was reaching the 100th day, there was a violence, subsequently, some untoward incident has happened and as resultantly, 7 persons have died. Thereafter, the State Government appointed One Man Commission for conducting enquiry and the Fact Finding Commission has conducted an enquiry and submitted a report to the Government on 06.06.2022 and recommended for disciplinary proceedings against the erred officials. Based on the report, on 17.10.2022, the first respondent had issued suspension order to the petitioner from service in proceedings in



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G.O.(Ms)No.754, dated 17.10.2022 and the same was communicated through the second respondent by his proceedings, dated 17.10.2022. The suspension order is not extended periodically. Therefore, the petitioner made a detailed representation to the respondents and also to the Commissioner of Police, Tirunelveli, through registered post on 24.12.2022 and requested them to issue charge-memo and reinstate the petitioner in service. But the respondents have not come forward to consider his request and the same is kept pending and hence, the present writ petition is filed with the aforesaid prayer.

3. The learned counsel for the petitioner further submitted that though the petitioner rendered a unblemished service for more than two decades and the petitioner is going to be retired on 30.06.2023 and in view of the suspension order and disciplinary proceedings, he may not retire peacefully. Hence, in view of the above, this Court may issue a direction to the respondent to conclude the disciplinary proceedings within a reasonable time fixed by this Court.



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4. The learned Government Advocate appearing for the respondents submitted that the Enquiry Officer will be appointed and the enquiry will be concluded within a period of five months.

5. Considering the limited request made by the learned counsel for the petitioner, this Court directs the respondents to conclude the enquiry proceedings pending as against the petitioner and pass appropriate orders on merits and in accordance with law, within a period of five months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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To

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O/o.The Director General of Police,
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M.DHANDAPANI,J.

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