



W.A(MD)No.397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

W.A.(MD)No.397 of 2023

and

C.M.P.(MD)Nos.4315 and 4316 of 2023

R.Thirumalai

... Appellant

vs.

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

2.The Director General of Police,
Office of the Director General of Police,
Head of Police Force,
Tamil Nadu,
Chennai – 4.

... Respondents

PRAYER : Appeal filed under Clause 15 of the Letters Patent,
against the order dated 02.02.2023, passed in W.P.(MD)No.2092 of
2023.

For Appellant

: Mr.J.Jeyakumaran



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For Respondents

: Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.S.P.Maharajan
Special Government Pleader

JUDGMENT

**(Judgment of the Court was made by
The Hon'ble Chief Justice)**

The appellant assails the order passed by the learned Single Judge in W.P.(MD)No.2092 of 2023, dated 02.02.2023. The appellant had filed the Writ Petition before the learned Single Judge challenging his suspension. The learned Single Judge did not quash the suspension. However, directed the Department to complete the enquiry within five months from the date of receipt of a copy of that order.

2. Learned counsel for the appellant submits that in fact the suspension cannot continue beyond the period of three months. The appellant is suspended from service on 17.10.2022. The Enquiry Officer was also not appointed till the order passed by the learned Single Judge. The said fact ought to have been considered. The



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appellant is due for retirement on 30.06.2023. According to the learned counsel, no review had also taken place on the suspension of the appellant, which the respondents bound to conduct.

3. Mr.Veera.Kathiravan, learned Additional Advocate General assisted by Mr.S.P.Maharajan, learned Special Government Pleader for the respondents submits that an Enquiry Officer has been appointed. Charges are also framed. Serious criminal case is filed against the appellant by the C.B.I. In the criminal case, charge sheet is also filed against the appellant. The respondents would endeavour to complete the enquiry expeditiously.

4. We have considered the submissions.

5. No doubt, the charge sheet filed in the criminal case is with regard to serious charge. At the same time, the respondents are also required to conduct the enquiry diligently and expeditiously. Now, as it is stated that the Enquiry Officer has been appointed, the respondents shall endeavour to complete the enquiry within a reasonable time. The learned Single Judge had directed to complete



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the enquiry within five months. The said five months period would lapse in the first week of July, 2023. The enquiry cannot be completed within that period. The same is at a nascent stage.

6. In the light of that, the respondents shall complete the enquiry as expeditiously as possible, preferably within a period of four months from today. The appellant shall also co-operate in expeditious conduct of the enquiry. The Writ Appeal is, as such, disposed of. There will be no order as to costs. Consequently, C.M.P.(MD)Nos.4315 and 4316 of 2023 are closed.

[S.V.G., CJ.]

[R.S.M., J.]

23.06.2023

Index : Yes / No

Neutral Citation : Yes / No

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To

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THE HON'BLE CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

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JUDGMENT MADE IN
W.A(MD)No.397 of 2023
DATED : 23.06.2023