



W.P(MD)No.7599 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.7599 of 2023

and

W.M.P(MD)No.7075 of 2023

M.Krishnan

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Traffic, Madurai City.

2.The Assistant Commissioner of Police,
Tallakulam Traffic Range,
Madurai City.

3.P.Vijayaraghavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of suspension issued by the first respondent in C.No: D2(2)/14587/2023, CPO No:503/2023 dated 28.03.2023 and quash the same as illegal and unconstitutional and consequently reinstate the petitioner as Special Sub Inspector of Police with continuity of service and other service benefits.

For Petitioner : Mr.S.Balamurugan



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For R-1 & R-2 : Mr.G.Suriyananth
Additional Government Pleader
For R-3 : Mr.B.Suriya Narayanasamy

ORDER

Heard the learned Counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2. The writ petitioner is presently working as a Special Sub Inspector of Police. By the impugned order dated 28.03.2023, the petitioner has been suspended from service. The suspension order is challenged on the grounds set out in the affidavit filed in the support of this writ petition. The learned Counsel appearing for the petitioner took me through its contents and called upon this Court to set aside the same and grant relief as prayed for.

3. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. He submitted that the petitioner was involved in a dispute with the third respondent and that certain serious allegations have been made against the petitioner. The disciplinary authority therefore took the view that the petitioner by his conduct has brought disrepute to the Organisation and that is why the suspension order has been passed in public interest. Since the power and authority of the first



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respondent cannot be questioned, he called upon this Court to dismiss this writ petition.

4. I have carefully considered the rival contentions and went through the materials available on record.

5. The jurisdiction of the first respondent to pass the impugned suspension order is sustained. I therefore decline to set aside the impugned suspension order. However, the question that arises for consideration is whether the petitioner should continued to be under suspension. The learned Counsel for the petitioner points out that there is a civil dispute between the third respondent and the wife of the second respondent in O.S.No.17 of 2023, which is pending on the file of the learned Sub Court, Melur. The petitioner is only said to have accompanied the second respondent to the site in question. The third respondent would allege that the petitioner had threatened the third respondent that they should not put up any construction. The third respondent is said to have lodged a complaint before the Hon'ble Chief Minister's Special Cell. That appears to triggered the impugned action. Admittedly, if the petitioner had committed any offence, certainly an FIR would have been registered against him. No such FIR has been registered against him. The occurrence referred to the suspension order does not have anything to the



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petitioner's official duties. In any event, it is open to the first respondent to hold an enquiry in the matter. The suspension need not continued. The petitioner through his Counsel gave a solemn undertaking that he will completely keep away from the third respondent. Even according to the third respondent, his dispute is only with the family of the second respondent. The petitioner has no real stake in the matter. He had only accompanied the second respondent. The second respondent has not been suspended from the service. While so, it is strange that the petitioner alone has been targetted. I therefore direct the first respondent to revoke the impugned suspension order and reinstate the petitioner in service forthwith without any delay. As regards regularising the period of suspension, it will abide by further action that may be taken by the first respondent. Accordingly, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.04.2023

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

To

1. The Deputy Commissioner of Police,
Traffic, Madurai City.



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G.R.SWAMINATHAN, J.

BTR

2.The Assistant Commissioner of Police,
Tallakulam Traffic Range,
Madurai City.

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