



W.P.(MD)No.13963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 30.06.2023

Pronounced on : 14.09.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.13963 of 2023

and

W.M.P.(MD)Nos.11787 and 11788 of 2023

A.Sudalikannu

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai District.

2.The Inspector General of Police,
Madurai South Region,
Madurai.

3.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Tirunelveli Region, Tirunelveli District.

4.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 4th respondent in



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C.No.P1/022370/2022 dated 17.10.2023 and C.No.P1/022370/2022 dated 02.05.2023 quash the same subsequently directing the respondents to reinstate the petitioner into service with all attendant and monetary benefits.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

ORDER

The petitioner was appointed as Grade II Police Constable in the year 2009. He had served in STF Sathiyamangalam. In the year 2017, he was posted in Thoothukudi Armed Reserve and than in Tirunelveli Armed Reserve. He was deputed on 22.05.2018 to control the riots that had taken place in connection with sterlite agitation in Thoothukudi District. The petitioner was suspended from service on 17.10.2022 and the suspension order was subsequently extended on 02.05.2023. Challenging the same, the present writ petition came to be filed.

2.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



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3.The learned Additional Government Pleader submitted that an order of suspension is not punishment and that it does not affect the substantive rights of the petitioner. The petitioner was suspended based on the recommendation of Justice Tmt.Aruna Jagadeesan enquiry. There is no arbitrariness involved. If the petitioner is eventually exonerated, he will definitely get back all the service benefits. At this stage, it is in public interest to suspend the petitioner. He called upon this Court to dismiss this writ petition.

4.I carefully considered the rival contentions and went through the materials on record. The occurrence had taken place way back in May 2018. The suspension order was issued only in October 2022. The petitioner is under suspension for more than eight months. I do not fault the respondents for having suspended the petitioner. The question is whether the suspension should continue. The Hon'ble Apex Court had held that an order of suspension must be reviewed periodically and that the suspension must serve some purpose. What has happened are matters of record. The petitioner had not acted out of any private enmity. It is well known that it was an explosive situation caused by an aggressive mob. The petitioner merely obeyed the orders of the superior. He was discharging his official duty. The orders of the superior cannot be said to be illegal. It is also seen that the petitioner has been



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singled out for suspension. Therefore, continuance of the suspension order is arbitrary and illegal. The respondents are directed to revoke the suspension and reinstate the petitioner in service forthwith and without any delay.

5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

14.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 21.09.2023.

To:-

- 1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai District.
- 2.The Inspector General of Police,
Madurai South Region,
Madurai.
- 3.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Tirunelveli Region, Tirunelveli District.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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**Pre-Delivery Order in
WP(MD)No.13963 of 2023**

14.09.2023