



W.P.(MD).No.17587 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17587 of 2020

and

W.M.P(MD)No.14712 of 2020

M.Murugan

... Petitioner

Vs.

The Superintendent of Police,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records in Na.Ka.fb1/tha.pa.73/2020 on the file of the respondent and quash the same. Consequently direct the respondent to defer the departmental proceedings in P.R.No.73 of 2020 till conclusion of the criminal case in Crime No.757/2020 on the file of the Inspector of police Palayamkottai, Tirunelveli.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.M.Prakash
Additional Government Pleader



W.P.(MD).No.17587 of 2020

WEB COPY

ORDER

The present writ petition has been filed to call for records in Na.Ka.fb1/tha.pa.73/2020 on the file of the respondent and quash the same. Consequently direct the respondent to defer the departmental proceedings in P.R.No.73 of 2020 till conclusion of the criminal case in Crime No.757/2020 on the file of the Inspector of police Palayamkottai, Tirunelveli.

2. The petitioner was selected as Grade-II Constable in the year 2009 and thereafter, promoted as Grade-I Constable. During 2012-2016, he worked at Suthamalli Police Station and presently, he is working in the Economic Offence Wing, Tirunelveli District. In the year 2020, a criminal case in Crime No.757 of 2020 came to be registered as against the petitioner in Palayamkottai Police Station under Section 12 of the Tamil Nadu Gaming Act for gambling with cards. Based on the said registration of the criminal case, the respondent issued the petitioner with charge memo, dated 07.10.2020 under Rule 3(b) of Tamil Nadu Police Subordinate (Discipline and Appeal) Rules 1955. On receipt of the said charge memo, on 19.10.2020, the petitioner sent an elaborate representation to the respondent requesting him to furnish the documents listed



W.P.(MD).No.17587 of 2020

WEB COPY

out in annexure 1 and 2 of charge memo, dated 07.10.2020 and also requested to defer the department proceedings initiated against him till disposal of the criminal case in Crime No.757 of 2020. However, the impugned communication, dated 27.10.2020 came to be passed by the respondent refusing to accept the petitioner's request with regard to deferment of departmental proceedings by holding that judicial enquiry and departmental enquiry would be conducted separately and subsequent communication sent to the petitioner. Assailing the same, this writ petition came to be filed.

3. The learned Additional Government Pleader submitted that a proper enquiry has been conducted in view of the charge memo issued as against the petitioner and the petitioner also participated in the said enquiry and an appropriate orders were passed on 18.02.2023 inflicting minor punishment on the petitioner. As against which, the petitioner also filed an appeal before the Inspector General of Police, Economic Offence Wing, Chennai which was also duly adjudicated and disposed of by an order, dated 09.06.2023 by rejecting the petitioner's appeal.

4. Heard Mr.S.Kumar, learned counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondent.



W.P.(MD).No.17587 of 2020

WEB COPY

5. It is also brought to the notice of the Court that the criminal case in Crime No.757 of 2020 is pending and charge sheet is yet to be filed. The petitioner has challenged the rejection of his representation to defer the enquiry on the charge memo issued on him. However, enquiry has been completed and the appeal has also been rejected by the department.

6. Recording the same, this Writ Petition stands closed and the petitioner is at liberty to challenge the order passed by the respondent in the enquiry as well as the appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

17.07.2023

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

gbg

To

The Superintendent of Police,
Tirunelveli District.



WEB COPY



W.P.(MD).No.17587 of 2020

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.17587 of 2020

17.07.2023