



W.A.(MD) No.1486 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1486 of 2023

N.Kodeeswaran

... Appellant/Writ Petitioner

-vs-

1.The Deputy Inspector of Police,
Dindigul Zone, Dindigul.

2.The Superintendent of Police,
Theni District, Theni.

3.The Deputy Superintendent of Police,
Bodi Circle, Theni District.

... Respondents/Respondents

PRAYER: Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 12.06.2019 made in W.P.(MD)No.4215 of 2013 on the file of this Court.

For Appellant : Mr.G.Thiruvarutselvan

For Respondents : Mr.M.Lingadurai
Special Government Pleader



W.A.(MD) No.1486 of 2023

WEB COPY

JUDGMENT

[Judgment of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]

This Writ Appeal is directed against the order of the learned Single Judge dated 12.06.2019 made in W.P.(MD)No.4215 of 2013. By the said order, the learned Single Judge dismissed the writ petition filed by the appellant herein praying for a Writ of Certiorarified Mandamus challenging the orders of the respondents dated 21.03.2012 and 10.09.2012 and consequently to direct the second respondent to treat the period of suspension as on duty and to disburse the entire monetary benefits to the appellant.

2. The brief facts leading to the filing of the writ appeal are that the appellant was working as Special Sub Inspector of Police. He was placed under suspension on account of a case in Crime No.16 of 2007 for the offences under Sections 342, 355, 323 and 506(ii) of IPC and Section 4 of the Tamil Nade Prohibition of Harassment of Women Act. Pursuant to the registration of the case, the departmental proceedings were also initiated against the appellant and ultimately the appellant was imposed with a punishment of stoppage of increment for a period of three years without cumulative effect. On



W.A.(MD) No.1486 of 2023

appeal preferred by the appellant, the same was reduced to one year. While so the criminal case against the appellant was quashed by this Court on compromise with the victim.

3. On the strength of the same, the appellant herein made a representation to treat the period of suspension as on duty and to disburse the full salary and monetary benefits to the appellant. By the order impugned in the writ petition, the same was rejected on the ground that when a punishment has been imposed in the disciplinary enquiry, in view of the provisions as per FR.54, 54A and 54B, if only criminal cases ended in honourable acquittal, the prayer can be granted. As against which, the appeal preferred by the appellant was also rejected and hence, the writ petition.

4. The learned Single Judge found that if only the charges are dropped against the Government employee, he will be entitled to full salary and the period of suspension can be treated as duty. Since in the instant case, punishment has been imposed, it is the discretion of the authorities to regulate the period of suspension as leave applicable in the manner admissible under the rules. Therefore, finding no infirmity in the impugned order, the learned Single Judge dismissed the writ petition.



W.A.(MD) No.1486 of 2023

WEB COPY

5. *Mr.G.Thiruvartselvan*, the learned counsel for the appellant would contend that when the criminal case, pursuant to which, the appellant was suspended, was ultimately quashed on compromise, the same should be treated on par with honourable acquittal and therefore, the learned Single Judge ought to have allowed the writ petition.

6. We are unable to accept the said contention of the learned counsel for the appellant. Even though the criminal proceedings ended in quashment of the complaint, that too on compromise with the victim, in this case simultaneously disciplinary proceedings have also been initiated in respect of the same incident and the disciplinary proceedings have culminated into an order of punishment. Therefore, as rightly found by the learned Single Judge when the disciplinary proceedings have ultimately culminated into a punishment, there is no question of treating the suspension period as duty and it is open for the respondent authorities to treat the same as admissible leave as per the rules and therefore, no exception whatsoever can be taken on the findings and conclusions reached by the learned Single Judge.



W.A.(MD) No.1486 of 2023

WEB COPY 7. In the result, the writ appeal is without any merits and is accordingly dismissed. No costs.

[S.S.S.R., J.] [D.B.C., J.]

12.09.2023

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

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WEB COPY



W.A.(MD) No.1486 of 2023

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W.A.(MD) No.1486 of 2023

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