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W.P.No.8000 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8000 of 2024

and

W.M.P.No. 8972 of 2024

T.Jayakumar

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Petitioner

Vs

1. The Director General of Police,
Office of the Director General of Police,
Chennai – 600 004.

2. Secretary,
Home Department,
Secretariat, Chennai – 600 009.

3. The Director,
Vigilance & Anti-Corruption,
M.K.N.Road, Alandur,
Chennai – 600 032.

4. The Joint Commissioner of Police,
North Zone, Greater Chennai Police,
Tondiarpet, Chennai – 600 081.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the suspension order dated 15.03.2017 in Rc.No.4756/138/PR.N(2)/2017 N.Z.O.No.123/2017 issued by the fourth



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respondent, quash the same and consequently direct the respondent to reinstate the petitioner in non-sensitive post with continuity service and all other consequential monetary benefits, after adjusting the subsistence allowance already paid to him.

For Petitioner : Mr.V.Ajoy Khose
For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed challenging the order of suspension dated 15.03.2017.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was selected and appointed as Sub-Inspector of Police on 16.04.1999. Thereafter, he was promoted to the post of Inspector of Police. While he was working as Inspector of Police, on the complaint, an FIR was registered by the Vigilance and Anti Corruption in Crime No.01/AC/2017-CC-V for the offence under Section 7 of Prevention of Corruption Act 1988 and Sections 294(b), 323, 364A, 368 and 386 of IPC. Pursuant to the registration of the FIR, the petitioner was arrested and remanded to judicial custody on 10.03.2017. Therefore, the petitioner was deemed to be suspended from service



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by an order dated 15.03.2017. Thereafter, the petitioner submitted a representation to revoke his order of suspension on the ground of prolonged suspension. It was rejected by a communication dated 31.05.2019. It was challenged before this Court in W.P.No.16697 of 2019.

4. This Court, by an order dated 04.12.2019, dismissed the writ petition and directed the Trial Court to complete the trial in C.C.No.8 of 2019 within a period of three months. Now the petitioner submitted a representation to revoke the order of suspension dated 15.03.2017 on the ground that the trial has not been completed in C.C.No.8 of 2019 as directed by this Court. That apart, the petitioner is about to attain the age of superannuation. Therefore, the order of suspension cannot be sustained.

5. A perusal of the records reveals that the petitioner was suspended from service on grave allegations. Pursuant to the suspension, the petitioner was served with a charge memo in the year 2021. Because of the pendency of the criminal case, the disciplinary proceedings has not been proceeded further.

6. The Service Rules says that the pendency of the criminal case is not an impediment for the disciplinary proceedings. In fact, the charges are also



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not one and the same in the criminal proceedings and in the disciplinary proceedings. Further, the petitioner is about to attain the age of superannuation.

If the petitioner is allowed to be reinstated into service, it will be an opportunity for the petitioner to indulge in the same offence. The petitioner knows very well that he will not be allowed to retire since disciplinary proceedings is pending on the grave charges.

7. In the criminal proceedings, so far P.Ws.1 to 7 were examined and the case is posted on 25.03.2024 for cross examination of P.W.7. Though this Court directed the Trial Court to complete the trial within a period of three months by an order dated 04.12.2019, because of COVID-19 Pandemic circumstances, the Trial Court was not able to complete the trial. Now the criminal proceedings is in process and about to complete the proceedings within a period of three months.

8. In the above circumstances, this Court is not inclined to set aside the order of suspension, though it is pending for the past seven years. However, the Disciplinary Authority is directed to complete the disciplinary proceedings within a period of twelve weeks from the date of receipt of a copy of this order.



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9. With the above observation, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non-speaking Order

Neutral Citation : Yes/No

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To

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2. Secretary,
Home Department,
Secretariat, Chennai – 600 009.

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