



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23360 of 2024
and WMP No.25518 of 2024

S.Albert

... Petitioner

Vs.

1.The Principal Secretary to Government
Home (Police .2) Department,
Fort St. George, Chennai 600 009.

2.The Director General of Police
Head of Police Force, Mylapore,
Chennai 600004.

3.The Superintendent of Police
District Police Office,
Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, calling for the entire records leading to impugned G.O (2D) No 399 dated 28.09.2023 on the file of the 1st Respondent and that of



the consequential order made in, D.No.839/2023, C.No. H2/26308/2023 dated 30.09.2023 on the file of the 3rd respondent and quash the same and direct the respondents to post the petitioner in the non sensitive work.

For Petitioner : Mr.N.Naganathan

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent in G.O (2D) No 399 dated 28.09.2023 and a consequential order made in D.No.839/2023, C.No.H2/26308/2023 dated 30.09.2023 and for a direction to the respondents to reinstate the petitioner in a non-sensitive place.

2.Heard Mr.N.Naganathan, learned counsel appearing on behalf of the petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing on behalf of the respondent.

3.The case of the petitioner is that the respondents placed him under suspension based on a criminal case that was registered against the petitioner and others in Crime No.8 of 2020 before the District Crime Branch, Trichy. According



to the petitioner, his suspension is continuing from 28.09.2023 onwards and till date, the same has not been reviewed. Hence, the petitioner made a representation dated 06.02.2024 seeking for reviewing the order of suspension. The same also did not evoke any response. In view of the same, the present writ petition has been filed challenging the order of suspension passed by the respondents.

4. In the considered view of this Court, going by the nature of allegations that have been made against the petitioner and also of the fact that the criminal case came to be registered and the petitioner was also arrested in the course of investigation on a bribe charge, this Court is not inclined to interfere with the order of suspension passed against the petitioner.

5. Even though, the petitioner states that he gave a representation dated 06.02.2024 to the 1st respondent requesting for reviewing the order of suspension, there is absolutely no proof available in the typed set of papers to show that such a representation was given. That apart, even the affidavit is silent with respect to the mode in which such representation was given.



6. In the light of the above, it is left open to the petitioner to make a fresh representation to the respondent requesting for reviewing the order of suspension.

On receipt of the same, it is left open to the respondents to deal with it on its own merits and in accordance with law. The decision shall be taken by the respondents, within a period of four weeks from the date on which they receive the fresh representation from the petitioner.

7. This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

19.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Principal Secretary to Government
Home (Police .2) Department,
Fort St. George, Chennai 600 009.



2.The Director General of Police
Head of Police Force Mylapore,
Chennai 600004.

3.The Superintendent of Police
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N. ANAND VENKATESH, J.

SSI

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