



WEB COPY



W.P. No.20799 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.20799 of 2021
and
W.M.P.No.22070 of 2021

V.Seetharaman

... Petitioner

Vs.

State represented by
The Joint Commissioner of Police,
Greater Chennai Police,
South Zone, St.Thomas Mount,
Chennai – 600 016.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records in Charge Memo in P.R.No.21/PR.I(S)/2021 dated 01.04.2021 by the respondent and quash the same.

For Petitioner	:	Mr.S.Shashank for M/s.MF.Shabana
For Respondent	:	Ms.E.Ranganayaki Additional Government Pleader.

ORDER

This writ petition has been filed challenging the memo dated 01.04.2021. However, this Court has not passed any stay order, and on the



other hand directed further proceedings to go on pursuant to the said charge memo. In view of the same, further proceedings pursuant to the impugned charge memo have taken place and they have reached the stage of submission of the report of the enquiry officer, after concluding the enquiry against the petitioner.

2. The charge memo is challenged mainly on the ground of delay in issuing the charge memo. Charges that are levelled against the petitioner pertains to the year 2011 and the charge memo was issued in the year 2021. The respondent tried to justify the delay in issuing the charge memo by stating various circumstances in detail.

3. In view of the fact that the enquiry proceedings have already reached the final stage, this Court is not inclined to examine the aspect of delay in the present writ petition and is not inclined to interfere with the charge memo on the ground of delay as it is always open for the petitioner to raise the ground of delay and the prejudice, if any caused to the petitioner because of delay in issuing the charge memo, before the disciplinary authority itself, at the first instance.



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4. In view of the same, this Court is not inclined to interfere with the charge memo and accordingly, this writ petition is dismissed leaving it open to the petitioner to raise the aspect of delay along with all other grounds that may be available to the petitioner before the disciplinary authority. In case, if the petitioner raises any defence or objection on the ground of delay in issuing the charge memo, the same shall be considered by the disciplinary authority in accordance with law.

5. Accordingly, this writ petition is dismissed and connected miscellaneous petitions, if any, shall stand closed. No costs.

06.06.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

The Joint Commissioner of Police,
Greater Chennai Police,
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MUMMINENI SUDHEER KUMAR,J.

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