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Writ Petition No.28461 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28461 of 2024
and WMP No.31028 and 31029 of 2024

K.Rajaram

... Petitioner

Vs.

The Superintendent of Police,
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Manadmus to call fo the records of the respondents in connection with the impugned order issued by the respondent in D.O.No.44/2022, C.No.H2/00922/2022 dated 13.01.2022 and quash the same and further direct the respondent to reinstate the petitioner into service with all consequential and monetary benefits and grant such other further relief.

For Petitioner : Mr.Dinesh Kumar
For Respondent : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the



Writ Petition No.28461 of 2024

proceedings of the respondent dated 13.01.2022, suspending the petitioner from service and for a consequential direction to the respondent to review the order of suspension and to reinstate the petitioner into service.

2. Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel for respondents 1 and 2 and Mr.C.S.K.Sathish, learned Standing Counsel for 3rd respondent.

3. The case of the petitioner is that he was working as a Grade II Constable in the Police Department. An FIR came to be registered in Crime No.13 of 2022 and the petitioner was arrayed as an accused. In view of the same, the petitioner was placed under suspension by an order dated 13.01.2022. A charge memo was also issued against the petitioner through proceedings dated 22.04.2022. This charge memo became a subject matter of challenge before this Court in WP No.2098 of 2023.

4. This Court disposed of WP No.2098 of 2023 by an order dated 27.01.2023 in the following terms :-



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6. Taking into consideration the facts and circumstances of the case and taking note of the judgments cited by the learned counsel for the petitioner, there shall be a direction to the 1st respondent to proceed further with the disciplinary proceedings, but however, the final outcome shall be kept in abeyance, till the completion of the criminal proceedings. The final determination in the disciplinary proceedings shall await till the final result in the criminal proceedings and to that extent, right of the petitioner is safeguarded.

5. The grievance of the petitioner is that his suspension is continuing for more than 2 ½ years and the same is yet to be reviewed. It is under these circumstances, the order of suspension has been put to challenge in the present writ petition.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the suspension of the petitioner has continued for more than 2 ½ years, there shall be a direction to the respondent to consider reviewing the order of suspension passed against



Writ Petition No.28461 of 2024

the petitioner and to provide a non-sensitive post to the petitioner so that the petitioner earns his salary by extracting work from him.

7. In the light of the above discussion, there shall be a direction to the petitioner to make a fresh representation to the respondent along with a copy of this order. The respondent on receipt of the representation shall deal with the same on its own merits and in accordance with law and in the light of the observations made in this order and pass orders within a period of six weeks from the date of receipt of the representation from the petitioner.

8. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

30.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
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To
The Superintendent of Police,
Thiruvannamalai District

N.ANAND VENKATESH.,J
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Writ Petition No.28461 of 2024

Writ Petition No.28461 of 2024

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