



WEB COPY



W.A.No.207 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.207 of 2021
and
C.M.P.No.929 of 2019

1.The Deputy Inspector General of Police,
Vellore Range,
Vellore District.

2.The Superintendent of Police,
Vellore District,
Vellore – 632 009.

... Appellants

Vs.

M.Palani

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 25.02.2019 made in W.P.No.2192 of 2018.

For Appellants : Mr.K.V.Sajeev Kumar
Special Government Pleader

For Respondent : Mr.Ravi Anantha Padmanabhan



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the Writ Court dated 25.02.2019 made in W.P.No.2192 of 2018.

2. That the respondent/writ petitioner was working as Sub-Inspector of Police and in view of the allegation of demand and acceptance of bribe, a criminal case was registered against him by the Vigilance and Anti-Corruption Department under the provisions of the Prevention of Corruption Act.

3. In view of the the said criminal case that was registered against him and was pending against the respondent, he was placed under suspension by order dated 11.10.2014 and since then he had been under suspension.

4. Even though there has been a criminal case pending against him, no disciplinary proceedings had been initiated and since had been in continuous suspension for several years, the respondent approached this



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Court by filing the said writ petition seeking to quash the order of suspension dated 11.10.2014.

5. The Writ Court by order dated 25.02.2019 having setting aside the order of suspension dated 11.10.2014 had directed the appellant Department to reinstate the writ petitioner in service and post him in any one of the non-sensitive post till the final disposal of the disciplinary proceedings as well as the criminal case.

6. As against which though this writ appeal has been filed, Mr.Ravi Anantha Padmanabhan, learned counsel appearing for the respondent/writ petitioner submitted that, so far no disciplinary proceedings had been initiated and the criminal case also is prolonging and in the meanwhile, the respondent/writ petitioner is going to attain the superannuation on 31.03.2024.

7. Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellants though wants to assail the order of the Writ Court which is impugned herein on the ground that, the criminal case based on the serious charge of demand and acceptance of bribe since is



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pending, at this juncture he cannot be re-posted even in non-sensitive post, the fact remains that he has been under suspension from 2014 and has been receiving the maximum subsistence allowance i.e. 75% of the salary.

8. Having considered this aspect only the learned Judge had given such direction to reinstate him in any one of the non-sensitive post. For all these years without extracting any work from the respondent/writ petitioner since 75% of his salary being paid to him as subsistence allowance which is a waste to the exchequer.

9. Moreover, by 31.03.2024 since the respondent/writ petitioner is attaining the superannuation before which there is no likelihood of completion of either the criminal case or the disciplinary proceedings, we feel that the order passed by the learned Single Judge can be directed to be complied with immediately as we do not find any reasons to interfere with the reasoning as well as the conclusion arrived at by the learned Judge in the order impugned. Resultantly this appeal fails, therefore it is liable to be dismissed accordingly is dismissed. There shall be a direction to the appellant Department to immediately reinstate the services of the



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respondent/writ petitioner by posting him in any one of the non-sensitive post and that shall be complied with within a period of two weeks from the date of receipt of a copy of this judgment. It is made clear that, this order would not in anyway preclude the appellant Department to initiate and to conduct the disciplinary proceedings independently unmindful of the pendency of the criminal case. Depending upon the outcome of the departmental proceedings or the criminal case whichever is decided earlier, the further course of action can be decided by the appellant Department against the respondent/writ petitioner.

10. With these directions and observation, this Writ Appeal is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

[R.S.K., J.]

[K.B., J.]

30.01.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Note : Issue the order copy on 31.01.2024.

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R. SURESH KUMAR, J.
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