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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.13772 of 2024

and

W.M.P(MD)No.12115 of 2024

D.Vijayakumar

... Petitioner

Vs

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

2.The Superintendent of Police,
Tuticorin District,
Tuticorin

3.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Tuticorin District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned of suspension order passed by the 1st respondent vide proceeding in C.No.C1/9896/2018 and R.O.O.No.250/2024, dated 21.05.2024 and the subsequent order passed by the 2nd respondent vide proceedings in



C.No.F1/07979/2024 and D.O.No.737/2024, dated 24.05.2024 and consequential order passed by the 1st respondent in C.No.1/9896/2018 and R.O.O.No.261/2024, dated 30.05.2024 and quash the same as illegal and consequently directing the respondents to permit the petitioner having retire from service on 31.05.2024 on the date of his superannuation with all attended benefits.

For Petitioner : M/s.S.Siva Suriya Narayanan

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Inspector of Police, challenging his suspension order, order directing him not to leave the Headquarters and the order dated 30.05.2024 wherein he was not permitted to retire but retained in service.

2.It could be seen from the orders impugned in the writ petition that the petitioner has been implicated in Vigilance and Anti-corruption case in Crime No.1 of 2014 under Section 13(1)(d) of Prevention of Corruption Act, 1988 and it is pending investigation. A charge sheet has been laid in Spl.C.C.No.5 of 2015 before the Special Judge, Tirunelveli.



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3. When the petitioner was about to retire on 31.05.2024, the orders impugned in the writ petition had been passed.

4. According to the learned Counsel appearing for the writ petitioner, though DVAC proceedings are pending from the year 2014 onwards, without completing the criminal proceedings in time as prescribed under various Government orders, the petitioner has been placed under suspension and he has been retained in service. Since, the proceedings have not been completed in time as per the Government orders, the petitioner should not have been suspended at the fag end of his career and retained in service.

5. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that in view of the pendency of the criminal case and charge sheet has been laid as against the writ petitioner herein, in the light of the Fundamental Rules and the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1959, the petitioner has been placed under suspension and retained in service.



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6.I have carefully considered the submission made on either side and perused the materials available on records.

7.As per 17(e)(1)(ii) of the Tamil Nadu Civil Services(Discipline and Appeal) Rules, 1959, if a member of service is facing a case against him in respect of any criminal offence which is under investigation, inquiry or trial, a member has to be placed under suspension. As per rule 56(1)(c) of the Fundamental Rules of the Tamil Nadu Government, whenever a Government servant is under suspension, in view of the criminal offence under investigation or trial, he should not be permitted by the appointing authority to retire on his reaching the date of retirement, but shall be retained in service until the enquiry into the charge of misconduct or criminal misconduct or the enquiry into contemplated charges are completed.

8.In view of the above said statutory provisions, the authorities have no other than option than to place the petitioner under suspension and to retain him in service.



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9. In view of the above said facts, there are no merits in the writ petition.

Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

04.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

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

2. The Superintendent of Police,
Tuticorin District,
Tuticorin

3. The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Tuticorin District.



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R.VIJAYAKUMAR, J.

RJR

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