



W.P.(MD)No.14621 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14621 of 2024

and

W.M.P.(MD).No.12814 of 2024

Ravichandaran Marimuthu

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
District Crime Branch-II, (ALGSC),
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to defer with the disciplinary proceedings initiated vide charge memo.Tha.Pa.No.39/2024, dated 09.03.2024 till the disposal the criminal case registered in C.C.No.2033 of 2022, on the file of the Judicial Magistrate No.I, Tirunelveli District.

For Petitioner : Ms.P.Jessi Jeeva Priya

For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate



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ORDER

Heard Ms.P.Jessi Jeeva Priya, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

2. This Writ Petition has been filed seeking direction to the respondents to defer with the disciplinary proceedings initiated vide charge memo.Tha.Pa.No.39/2024, dated 09.03.2024, till the disposal of the criminal case registered in C.C.No.2033 of 2022, on the file of the Judicial Magistrate No.I, Tirunelveli District.

3. On the complaint given by the daughter-in-law of the petitioner, a case has been registered in Crime No.17 of 2022 before All Women Police Station, Palayamkottai, against the petitioner, his son and his family members for the offence punishable under Sections 498(A), 354, 294(b) and 506(1) IPC on 01.05.2022. After completing investigation, it is learnt that the charge sheet has been filed before the learned Judicial Magistrate No.I, Tirunelveli and the same has been taken on file in C.C.No.2033 of 2022.



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4. Mrs.P.Jessi Jeeva Priya, learned counsel appearing for the petitioner submitted that the allegations made in the complaint are no way connected to the official duties of the petitioner and hence, there is no need to pursue departmental action. It is learnt that the petitioner has not been arrested and he was released on anticipatory bail.

5. Attention was drawn to the Government Order in G.O.(Ms).No.124, Personnel and Administrative Reforms (Per.N) Department, dated 22.02.1983 which would state that if the allegations made in the criminal offence do not connect to the discharge of his official duties of an individual, then, the person shall not be subjected to any departmental proceedings. Even when the departmental proceeding is initiated at the completion of criminal case depending upon the result of the case, the orders can be passed by the authority concerned irrespective of the fact whether the individual in the criminal case has been acquitted or not. In the instant case, the criminal case is still pending and it has not met with the results.

6. However, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents submitted that the departmental enquiry and the criminal trial shall proceed simultaneously and the decision in the criminal case



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would not materially affect the outcome of the departmental enquiry. But, there cannot be any clarification on the above point, but, that has to be read only in accordance with the conditions of the above Government Order in G.O. (Ms).No.124, Personnel and Administrative Reforms (Per.N) Department, dated 22.02.1983 and it has to be read only in cases where the allegations are connected to discharge of the official duties of the individual. Then, in the instant case, none of the allegations or the charges could make out anything concerning the official duties. For a better clarity, the essential paragraph of the Government Order in G.O.(Ms).No.124, Personnel and Administrative Reforms (Per.N) Department, dated 22.02.1983, is extracted hereunder:

“2. The Government have examined the above matter and have decided that the following procedure shall be adopted in such cases.

i).When a criminal case is filed solely on a criminal offence committed by the Government servant which is in no way connected with the discharge of his official duties there is no need to pursue departmental action except placing the Government servant under suspensions as contemplated under Tamil Nadu Civil Services (Classification, Control and Appeal Rules). The ultimate departmental action can be initiated against the delinquent officer after the result of the criminal case pending against him is disposed of by the Court of Law.

ii).When both departmental as well as criminal action is initiated for the offences of the kind referred in in Para 1 above in



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regard to departmental action, charges may be framed against him for the lapses committed by him and final orders may be passed after obtaining the required registers / records / documents from the Court irrespective of the fact whether he is acquitted or not. Thus, the departmental action will be confined to the irregularities or lapses committed by the accused officer with reference to the administrative aspect.”

7. Since the criminal case is still pending and the petitioner has also not been arrested and the charges have been issued on the basis of the pending criminal case which is a premature one, I feel that the petitioner is entitled to get the direction as prayed for.

8. In view of the above, the Writ Petition is **allowed** and the respondents are directed to defer with the disciplinary proceedings initiated vide charge memo.Tha.Pa.No.39/2024, dated 09.03.2024, till the disposal the criminal case registered in C.C.No.2033 of 2022, on the file of the Judicial Magistrate No.I, Tirunelveli District. No costs. Consequently, the connected miscellaneous petition is closed.

03.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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R.N.MANJULA, J.

TSG

To

- 1.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 2.The District Educational Officer (Elementary),
Kovilpatti,
Thoothukudi District.

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