



WEB COPY

W.A(MD)No.2109 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A(MD)No.2109 of 2024
and
CMP(MD)No.14956 of 2024**

Soundarapandian

... Appellant

vs.

1. The Deputy Inspector of General,
Ramanathapuram District.

2. The Deputy Inspector of General,
Tirunelveli District.

3. The Superintendent of Police,
Sivagangai District.

4. The Superintendent of Police,
Kanniyakumari District.

5. The Superintendent of Police,
Ramanathapuram District.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.04.2024 made in W.P(MD)No.5477 of 2024.

For Appellant : Mr.K.P.Narayanakumar
For R1 to R5 : Mr.S.Shaji Bino
Special Government Pleader



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JUDGMENT

(Judgment of the Court was made by **M.S.RAMESH, J.**)

For the involvement of the appellant / writ petitioner in a criminal case in Crime No.4 of 2008, by the Directorate of Vigilance and Anti-Corruption, he was placed under suspension from 01.09.2008 to 05.01.2010. Ultimately, he was acquitted from the charges on 27.09.2023, by the competent criminal court. Thereafter, when he had sought for regularisation of the suspension period between 01.09.2008 and 05.01.2010, his request was denied on the ground that the charge memo dated 20.04.2023, has been issued against him under rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules 1955. The rejection was put to challenge before the Writ Court in W.P(MD)No.5477 of 2024, and by an order dated 02.04.2024, a learned Single Judge had dismissed the writ petition predominantly on the ground that the charges levelled against the appellant were pending and also his challenge to the charge memo made in W.P(MD)No.13931 of 2023, was also pending. This order of the Writ Court dated 02.04.2024, is assailed in the present writ appeal.

2. It is now brought to our notice that by a subsequent order dated 01.10.2024, passed in W.P(MD)No.13931 of 2023, the charge memo dated 20.04.2023, itself was quashed. The only ground, on which, the respondents



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had rejected the request of the appellant for regularisation of the suspension period was due to the pendency of the charge memo dated 20.04.2023. So also, the learned Single Judge had declined to entertain the plea for regularisation of the suspension period on the ground that challenge to the charge memo was pending before this Court in W.P(MD)No.13931 of 2023. Now that the charge memo itself has been quashed and the writ petition has been allowed, there cannot be any impediment on the part of the respondents to regulate the suspension period.

3. Accordingly, the appellant is granted liberty to make a representation to the respondents herein, for regularisation of his suspension period between 01.09.2008 and 05.01.2010 and on receipt of such representation, the respondents herein, shall pass positive orders within a period of four weeks from the date of receipt of the representation.

4. With the above direction, the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
11.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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To

1. The Deputy Inspector of General,
Ramanathapuram District.
2. The Deputy Inspector of General,
Tirunelveli District.
3. The Superintendent of Police,
Sivagangai District.
4. The Superintendent of Police,
Kanniyakumari District.
5. The Superintendent of Police,
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JUDGMENT MADE IN
W.A(MD)No.2109 of 2024
DATED : 11.11.2024