



W.A(MD)No.974 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A(MD)No.974 of 2017
and
C.M.P(MD)No.6597 of 2017**

The Commandant,
Tamil Nadu Special Police I Battalion,
Tiruchirappalli. ...Appellant/Respondent

Vs.

A.Rathinasamy ...Respondent/petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order made in W.P(MD)No.15461 of 2013, dated 19.09.2013.

For appellant : Mr.A.K.Manikkam
Special Government Pleader

For Respondent : Mr.RMS.Sethuraman



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JUDGMENT

(Order of the Court was made by V.BHAVANI SUBBAROYAN,J.)

This Intra Court appeal is directed against the order passed by the writ Court, dated 19.09.2013 in W.P(MD)No.15461 of 2013.

2. The respondent has filed the writ petition seeking writ of mandamus directing the respondent to defer the departmental proceedings initiated against the petitioner with regard to the Charge Memo in Tha.Pa.No.10/2013, dated 28.06.2013, issued by the respondent till the conclusion of criminal trial relating to Crime No.32 of 2013, on the file of Kallaperambur Police Station.

3. The learned Single Judge allowed the writ petition and directed the respondent to keep the disciplinary proceedings in Tha.Pa.No.10 of 2013, dated 28.06.2013, in abeyance, until the conclusion of the Criminal Case in Crime No. 32 of 2013, registered on the file of the Kallaperambur Police Station, Thanjavur District.



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4. Challenging the said order, the appellant has filed the present writ appeal.

5. Now, the learned Special Government Pleader appearing for the appellant would submit that at the time of admission this Court granted an interim stay. In view of the interim stay granted by this Court, disciplinary proceedings were initiated and the same was concluded. After concluding the disciplinary proceedings, the Commandant, TSP I BN., Trichy by an order dated 28.03.2018 imposed the punishment of dismissal from service from the date of order. Aggrieved against the order, the respondent has filed an appeal before the Inspector General of Police, Armed Police, Trichy. The Inspector General of Police, Armed Police, Trichy by an order dated 23.05.2018 in Appeal No.17/2018 rejected the said appeal on the ground that charges levelled against the delinquent were proved clearly. Hence, nothing survives for further adjudication in this matter.



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6. It is seen from the records that as the departmental proceedings were concluded and punishment of dismissal from service has been given and appeal filed by the respondent also rejected, we are not inclined to interfere with the above matter as nothing survives for adjudication.

7. Accordingly, this writ appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
07.03.2024

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V.BHAVANI SUBBAROYAN, J.
and
K.K.RAMAKRISHNAN, J.

am

JUDGMENT MADE IN
W.A(MD)No.974 of 2017

07.03.2024