



W.P.NO.14907 OF 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.14907 OF 2025
AND WMP NOS.16807 AND 16809 OF 2025

C.Muthukrishnan

... Petitioner

V.S.

- 1.The State of Tamil Nadu
Rep. By its Additional Chief Secretary
Department of Home
Fort St. George, Chennai – 600 009.
- 2.The Director General of Police (HOPF)
Director General of Police Office
Chennai – 600 004.
- 3.The Additional Director General of Police
Armed Police Headquarters
Kilpauk, Chennai – 600 010.
- 4.The Inspector General of Police
Armed Police Headquarters
Kilpauk, Chennai – 600 010.
- 5.The Commandant
Tamil Nadu Special Police XIII – Battalion (TNDRF)
Avadi, Chennai – 600 054.



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6.S.Ayya Samy

Commandant

Tamil Nadu Special Police XIII – Battalion (TNDRF)

Avadi, Chennai – 600 054.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension passed by the first respondent in G.O.(2D) No.88, Home (Police. 1) Department, dated 24.03.2025, quash the same and further direct the respondents 1 to 5 to reinstate the petitioner into service, with continuity of service and all the benefits attached to it.

For Petitioner : Mr.Godson Swaminathan
for M/s.Isaac Chambers

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.V.Nanmaran
Additional Government Pleader

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to an order of suspension passed by the first respondent in G.O.(2D) No.88, Home (Police.1A) Department, dated 24.03.2025 and to quash the same. The petitioner seeks that he must be reinstated in service with continuity of service and all the benefits attached to it.



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2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner has been working as Assistant Commandant with the Tamil Nadu Special Police XIII – Battalion, Tamil Nadu Disaster Rescue Force (TNDRF), Avadi, Chennai. The petitioner joined duty as a Police Constable on 27.05.1988 and was subsequently promoted as Sub-Inspector of Police, then as Inspector of Police and further as Assistant Commandant / Assistant Commissioner (General Category III) with effect from 25.03.2023. It had been contended that while discharging his duties as Commandant in-charge, the petitioner discovered that some financial misappropriation had been committed by the Commandant, the sixth respondent, in the Tamil Nadu Disaster Rescue Force (TNDRF) in the XIII Battalion, allegedly through forging and fabricating of documents. The petitioner had given a complaint in that regard.

3.In the affidavit, it had been further stated that the petitioner subsequently brought to light various similar acts of misappropriation allegedly committed by the sixth respondent. The



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petitioner was then called for an enquiry on 03.10.2024 by the Commandant of the II Battalion, who is not a party to this writ petition. It has been stated that he was asked several questions in relation to the charges and allegations against the sixth respondent. Following this, a news report was published by a News agency claiming that the petitioner had taken a bribe in exchange for granting leave to a Constable.

4.The learned counsel for the petitioner stated that the entire issue is *malafide* and the respondents have deliberately fabricated a false case against the petitioner. It is contended that the said Constable is a deserter who had approached the petitioner during the time of his marriage and the petitioner had given him an amount of Rs. 25,000/-, which the Constable was repaying in installments of Rs.2,000/-. The learned counsel contended that the said Constable had been threatened by the respondents to give a statement alleging that the petitioner had demanded a bribe for granting leave. It is, therefore, contended by the learned counsel that the suspension order should be interfered with by this Court.



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5. Furthermore, it had been stated that the suspension order was issued under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The learned counsel contended that an order of suspension under this provision can only be issued when there is a contemplation of initiation of an enquiry. It had been stated that in the present case, the impugned order does not indicate any such contemplation of initiation of enquiry.

6. The learned Additional Advocate General appeared on behalf of the respondents and contended that information had been received indicating that the petitioner had been demanding amounts from various subordinate officials in exchange for granting leave, with the amounts being transferred to his GPay account and also to the GPay account of his son. The learned Additional Advocate General further stated that approximately ten witnesses need to be examined, and details regarding the bank statements of both the petitioner and his son will have to be gathered, analyzed, and examined. It is, therefore, contended that the enquiry is at a crucial stage, and if the order of suspension is



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interfered with by this Court at this juncture, the witnesses would not come forward to depose with confidence.

7.The learned Additional Advocate General further contended that the suspension order clearly states that an allegation of demand and acceptance of bribe has been made against the petitioner in relation to the granting of leave and that the petitioner had misused his official position. Such conduct is unbecoming of a Police officer. Once an allegation of demand and acceptance of bribe is made, a detailed enquiry must naturally follow. It has not been suggested by the respondents that the allegation would be covered up or brushed under the carpet. On the contrary, the respondents intend to conduct a fair and thorough enquiry. In order to allow witnesses to depose freely and state their statements without fear, it is necessary to place the petitioner, being a higher-ranking official, under suspension. Such a course of action is appropriate, depending on the circumstances of this case. If the petitioner has raised allegations against the Commandant, that is a separate matter which has already been independently examined, and the petitioner has



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provided his response in that regard. However, the specific charge concerning the alleged demand and acceptance of bribes through GPay must be thoroughly examined and supporting documents need to be collected and reviewed.

8.The learned counsel for the petitioner argued that no police officer would attempt to receive a bribe through GPay, as digital transfers leave a clear trail.

9.In typical cases involving demand and acceptance of cash, traps are laid using tainted currency smeared with phenolphthalein powder, and if caught red-handed, the officer's fingers are dipped in a sodium carbonate solution to confirm contact with the tainted money. Therefore, every police officer would be cautious and adopt different methods when accepting a bribe.

10.In the present case, the allegation is that the petitioner received the bribe through Gpay, not only in his account but also in his son's account. These are serious allegations that warrant deeper



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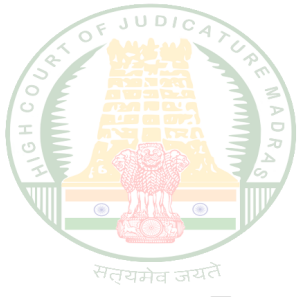
examination and a thorough enquiry. At this stage, I am not inclined to revoke or interfere with the order of suspension.

11.The writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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C.V.KARTHIKEYAN, J.

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