



WEB COPY



W.P.No.22354 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.22354 of 2025

And

W.M.P.No.25180 of 2025

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... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Vellore Range, Vellore.

2.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Order C.No.B1/E-5528952/2023 dated 22.01.2024 passed by the first respondent pursuant to the representation dated 28.11.2023 and quash the same and direct the respondents to pass appropriate orders on revocation of suspension.

For Petitioner : Mr.S.Veeraraghavan
For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader



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ORDER

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Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the Order C.No.B1/E-5528952/2023 dated 22.01.2024 passed by the first respondent pursuant to the representation dated 28.11.2023 and quash the same and direct the respondents to pass appropriate orders on revocation of suspension.

3.The learned counsel appearing for the petitioner would submit that the petitioner was suspended on 01.09.2023 and thereafter, the petitioner has given a representation for revocation of suspension in pursuance of the order in W.P.No.35881 of 2023, however, vide impugned order dated 22.01.2024, the petitioner's request was rejected. It is the submission of the petitioner that in view of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, he is entitled for revocation of suspension if the charge memorandum is not furnished within a period of three months.



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4.The learned Additional Government Pleader appearing for the respondents would strongly object and would contend that the writ petition has been filed by suppressing the dismissal of earlier writ petition in W.P.No.23124 of 2024 wherein, this Court dismissed the writ petition and confirmed the charge memorandum, however directed the disciplinary authority to conclude the disciplinary proceedings in a time bound manner. It is the further submission of the learned Additional Government Pleader that criminal case is pending against the petitioner that too in respect of assisting his wife by committing malpractice in examination. Therefore, there is no public interest involved in this matter so as to revoke the suspension.

5.I have given my anxious consideration to the submissions made on both side.

6.Though the learned counsel appearing for the petitioner heavily relied upon G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, the same was issued in pursuance of the decision of the Hon'ble Supreme Court in the decision reported in (2015) 7 SCC 291 [Ajay Kumar Choudhary Vs. Union of India],



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whereas, this Court by way of Full Bench decision has clarified that continued suspension must be reviewed based on facts of each individual case.

7.In the case on hand, it is the stand of the disciplinary authority that the petitioner has committed malpractice in examination. Therefore, being a person in uniformed service, during the pendency of the criminal proceedings, if he is reinstated, it would give a wrong example. The submissions made by the learned Additional Government Pleader is well merited. As rightly contended by the learned Additional Government Pleader, there is no public interest involved in revoking the suspension of the petitioner and also this Court has already directed to conclude the disciplinary proceedings in a time bound manner. In such view of the matter, this Court do not find any merits in the writ petition at this stage.

8.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.06.2025

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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 - 2.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.



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C.KUMARAPPAN,J.
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