



WEB COPY

W.P.No.23708 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.P.No.23708 of 2025
and
W.M.P.No.26682 of 2025**

C.Santhoshpriyan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to call for the records of the 1st respondent in connection with the impugned order passed by him in D.O.No.107/2024 C.NO.D3/E-9033168/2024 dated 28.01.2024 and the subsequent order in D.O.No.673/2025 C.No.D3/E-9033168/2024 dated 27.05.2025 and to quash the same and to direct the respondents to reinstate the petitioner into service.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.N.Naveenkumar
Government Advocate for R1 & R2



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ORDER

The writ petition is filed challenging the suspension order dated 28.01.2025 and the subsequent extension of suspension vide proceedings dated 27.05.2025 and quash the same.

2. The case of the petitioner is that, he was suspended vide impugned order dated 28.01.2025, on the charge that in spite of receipt of the loan amount from one Mrs.Rekha, he did not return the loan documents. Based on the said allegation, a charge memorandum dated 13.02.2025 was issued and subsequently, vide proceedings dated 13.06.2025, the charge has been withdrawn. Though the charge was withdrawn, vide order dated 27.05.2025, the suspension was extended. Hence the petition.

3. Learned Counsel for the petitioner would submit that initially the petitioner was suspended vide order dated 28.01.2024. By withdrawing the charge memorandum vide order dated 13.06.2025, he ought to have been reinstated in the Department. Instead, the impugned extension of suspension order issued, is contrary to the Judgment of this Court. In this connection, the learned Counsel relied upon the Judgment of Madurai Bench of Madras High Court made in W.P.(MD).No.8983 of 2009 dated 09.09.2009 and also the



W.P.No.23708 of 2021

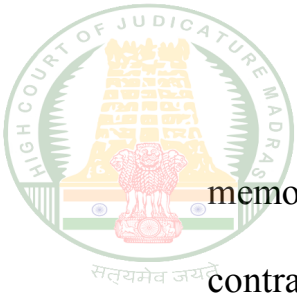
Judgment of this Court made in W.P.No.23014 of 2021 dated 27.10.2021.

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4. At this juncture, the learned Government Advocate would contend that though the charge memorandum was withdrawn vide order dated 13.06.2025, the reason assigned for such withdrawal had been categorically referred to and the Disciplinary Authority wanted to include the additional charge of pendency of criminal proceedings against the petitioner under Section 120B, 420 IPC r/w 34 IPC in C.C.No.459 of 2025, wherein the petitioner was arrayed as seventh accused. Therefore, mere withdrawal of the initial charge memorandum does not absolve the petitioner from allegation which were made against him and what the disciplinary Authority wanted is to have comprehensive enquiry including the criminal proceedings which were initiated against him. Hence contended that there is no infirmity in the issuance of suspension order.

5. Heard the learned Counsel on either side and perused the materials available on record.

6. The core contention of the petitioner is that since the charge



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memorandum was subsequently withdrawn, the continuation of suspension is contrary to the settled principle. His further submission is that there is no nexus between his duty and the delinquency.

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7. Though the contention of the learned Counsel appears to be attractive, while looking at the factual position, the petitioner being a person of Uniformed Service, must stand as an example to others. Though he denied the charge, it is premature, and the Department must be given opportunity to to prove the charge in accordance with law, and apart from that, the charge memorandum in disciplinary proceedings has further vindicated through filing of charge sheet before the criminal court.

8. In view of above factual position, this Court does not find any infirmity in the suspension order dated 27.05.2025 and apart from that there is no public interest involved to reinstate him, at this stage, when he faces a grave charge.

9. Though as rightly contended by the learned Counsel for the



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petitioner about the absence of nexus between his official duty and the charge levied against him, the same could not be a mitigating factor. Accordingly, though this Court dismiss the instant writ petition, taking into consideration of G.O.(Ms).No.81, Human Resources Management (N) Department, dated 04.08.2022, would like to direct the respondents to consider the petitioner's representation dated 12.06.2025 and pass orders on it's own merits and in accordance with law without being influenced by the observation of this Court within a period of six weeks from the date of receipt of a copy of this order.

In the result, the Writ Petition stands dismissed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2025

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Index:Yes/No

Speaking order

Neutral Citation:Yes/No

To

1. The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.
2. The Superintendent of Police,
Cuddalore District, Cuddalore.



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C.KUMARAPPAN, J.

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