



WEB COPY

WP No. 48222 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 48222 of 2025

and

WMP No.53878 of 2025

S.Senthilkumaran

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government
Home (Police-XVII) Department
Secretariat, Fort St. George
Chennai-600 009.

2.The Director General of Police/Director

Fire and Rescue Services
Egmore, Chennai-600 008.

3.The Deputy Director

Fire and Rescue Services Department
North Western Region
Vellore.

... Respondents

PRAYER Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to defer the enquiry proceedings based on the charge memo issued by the 3rd respondent in Ku.Pa.No.01/2025 Na.Ka.No.3515/Aa/2024 dated 21.11.2025, in consideration of representation submitted by the petitioner dated 04.12.2025.

For Petitioner : Mr.G.Sankaran,
Senior Counsel

For Respondents : Mr.P.Ganesan
Additional Government Pleader



ORDER

Mr.P.Ganesan, learned Additional Government Pleader takes notice on behalf of the respondents.

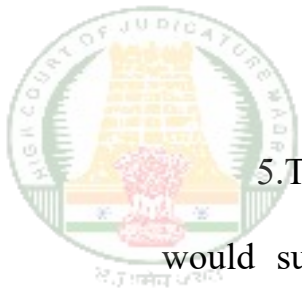
2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed, directing the respondents to defer the enquiry proceedings based on the charge memo issued by the 3rd respondent dated 21.11.2025, in consideration of representation submitted by the petitioner dated 04.12.2025.

4.The case of the petitioner is that he was appointed as Station officer through TNPSC in 2001 and promoted as Assistant District Officer in 2023. He has maintained an unblemished service record throughout his career. He is now aggrieved by parallel criminal and disciplinary proceedings on identical allegations. An anonymous complaint was registered against the petitioner by V & AC Department, Chennai, City-3 Unit, for the alleged offence u/s.13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 r/w 109 IPC on the premise that he was in possession of assets disproportionate to his known source of income for the check period 01.04.2011-31.03.2015. After finding no excess assets, the



check period was extended to 31.03.2017. Thereafter, a final report was filed in S.C No.02/2025 before the Chief Judicial Magistrate, Kancheepuram alleging that the petitioner had acquired movable and immovable assets for the value of Rs.39,51,377/- disproportionate to the known source of his income. Despite pendency of the criminal case, the 1st respondent directed initiation of departmental action on the same allegations. Pursuant to this, the 3rd respondent issued a charge memo dated 21.11.2025. The memo replicates the criminal case in its charges, witnesses, and documents. Simultaneous proceedings on identical facts will prejudice his defence in the criminal trial. The Hon'ble Supreme Court in Capt.M.Paul Anthony (1999) 3 SCC 679 has held that when evidence is identical, employers should await the criminal court's decision. The principle squarely applies to the present case. The Supreme Court in Kusheshwar Dubey (1988) 4 SCC 319 and B.K.Meena (1996) 6 SCC 417 has held that though lawful, parallel proceedings may be undesirable where charges overlap. Staying disciplinary enquiry is appropriate when complex criminal issues are involved. Numerous precedents reiterate this legal position. The petitioner has already requested deferment of the disciplinary proceedings to avoid prejudice. However, the respondents are unlikely to consider the request without judicial intervention. Hence, the present writ petition has been filed seeking stay of the charge memo till completion of the criminal trial.



5.The learned Senior Counsel for the petitioner would submit that it would suffice, if a direction is issued to the respondents to consider the petitioner's representation dated 04.12.2025, within a reasonable time.

6.The learned Additional Government Pleader appearing for the respondents would submit that they will consider the petitioner's representation dated 04.12.2025, and pass appropriate orders within a reasonable time to be fixed by this Court.

7.Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 04.12.2025, and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

8.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1. The Principal Secretary to Government
Home (Police-XVII) Department
Secretariat, Fort St. George
Chennai-600 009.

2. The Director General of Police/Director
Fire and Rescue Services
Egmore, Chennai-600 008.

3. The Deputy Director
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