



W.P.(MD)No.9700 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9700 of 2025

P.Marimuthu

... Petitioner

Vs.

The Commandant,
TSP VI Battalion,
Madurai-14.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned suspension order passed by the respondent vide his proceedings in C. No. E1/10056/2022, B.O. No.753/2022, dated 28.09.2022 and quash the same and consequently reinstate the petitioner into service.

For Petitioner : Mr.R.Anand

For Respondent : Mr.D.Sachikumar
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the suspension order passed by the respondent vide his proceedings in C. No. E1/10056/2022, B.O. No.



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753/2022, dated 28.09.2022 and consequently reinstate the petitioner into

WEB service.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent and carefully perused the materials available on record.

3. The petitioner is a Police Constable in Tamil Nadu Special Police. He was put under suspension vide proceedings, dated 28.09.2022 of the respondent pursuant to the involvement of the petitioner in a criminal case. Thereafter, a charge memo was issued on 25.11.2022. Against the charge memo and a consequential enquiry report, dated 14.05.2023, he filed a writ petition before this Court in W.P(MD)No.13744 of 2023. The said writ petition is disposed of with a direction to the respondents therein to restrain from further proceeding on the basis of the enquiry report till the criminal case is disposed of. The learned counsel for the petitioner contends that while dispose of the writ petition, this Court opined that the finding recorded by the enquiry officer in respect of charge no.1 stands proved is not legally sustainable, since it is based upon no evidence. As far as the second charge is concerned, it is entirely based



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upon the criminal case in Crime No.599 of 2022 and criminal proceedings are pending, this Court opined that the enquiry officer could not have arrived at a finding that the petitioner has committed an offence. In the light of the opinion expressed by this Court in the said writ petition, the petitioner requesting him to revoke the suspension order and to reinstate him into service pending criminal proceedings.

4. It is an admitted fact that he was put under suspension with effect from 28.09.2022. The learned counsel for the petitioner submits that on 12.12.2022, the petitioner submitted a representation to review the suspension order, but it is not considered. After disposal of the writ petition in W.P(MD)No.13744 of 2023 by order, dated 05.12.2024, it appears that, no representation is made to the respondent to review the suspension order in the light of the order of this Court. In the present writ petition, the petitioner challenging the suspension order passed on 28.09.2022.

5. Considering the facts and circumstances of the case, at present, this Court is not inclined to interfere into the order impugned in this writ petition. The petitioner before approaching this Court against the order passed on



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28.09.2022, ought to have made a representation to the respondent by enclosing

the order copy of the above said writ petition requesting to revoke the suspension order, but it is not submitted. In view of the above, this Court intends to dispose of the writ petition with the following directions:

(i) The petitioner shall submit a representation to the respondent requesting to review the suspension order, dated 28.09.2022 by enclosing the order copy of this Court in W.P(MD)No.13744 of 2023.

(ii) If such representation is submitted, the respondent shall consider the same and pass appropriate orders in accordance with law within a period of two (2) weeks from the date of receipt of the representation from the petitioner.

6. No costs.

07.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gbg

To:

The Commandant,
TSP VI Battalion,
Madurai-14.

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BATTU DEVANAND, J.

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