

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6029 of 2017 and
W.M.P.Nos.6452 & 6453 of 2017

D.Elumalai,
Head constable 502/TS,
(Now Under Suspension),
District Special Branch,
Kadaladi Police Station,
No.9, New Police Quarters,
Fort West, Arni Town,
Tiruvannamalai District.

..Petitioner

Versus

1. The Deputy Inspector General of Police,
Vellore Range,
Vellore District.
2. The Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Vigilance and Anti Corruption Department,
Tiruvannamalai District. ..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari and Mandamus, call for the records relevant to the order in Na.Ka.No.H.1/20253/16 dated 28.02.2017 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the 1st respondent to reinstate the petitioner into his service with effect from 22.09.2016 with all back wages.

For Petitioner :Mr.A.Rajesh Kannan
For Respondents :Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The order of Suspension dated 28th February, 2017 is under challenge in this writ petition. The writ petitioner was

holding the post of Grade - II Police Constable and placed under suspension on account of the criminal cases registered against him Under Sections.7,13(2) r/w 13(1)(d) of Prevention of Corruption Act and 109 I.P.C r/w 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The criminal case was registered on 21.09.2016.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner is an innocent person and not connected with any such allegations of Corruption.

3. On a perusal of the affidavit, it shows that there are certain serious allegations regarding the demand of bribe against the writ petitioner. Allegations of demand or acceptance of bribe has to be viewed very seriously and no indulgence to be shown by the courts in granting relief against the persons involving in such Corruption cases.

4. This Court is not inclined to show any leniency towards the public servants against whom the allegation of corruption is framed. It is left open for the writ petitioner to contest the case and prove his innocence during the course of enquiry. But, an order of suspension is not a punishment since the criminal case is registered against the writ petitioner. It is necessary for the authorities to keep the writ petitioner away from the office so as to conduct a free and fair investigation as well as trial. Such being the object of an order of suspension, more so in the case on hand, the order of suspension was issued on 28th February, 2017 impugned in this writ petition.

5. The writ petitioner is entitled for the subsistence allowance and revocation of suspension at this point of time does not arise in view of the fact that the allegation against the writ petitioner is regarding the demand of bribe and a criminal case was also registered under the Prevention of Corruption Act.

6. In view of this, no further consideration needs to be shown on the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

kak

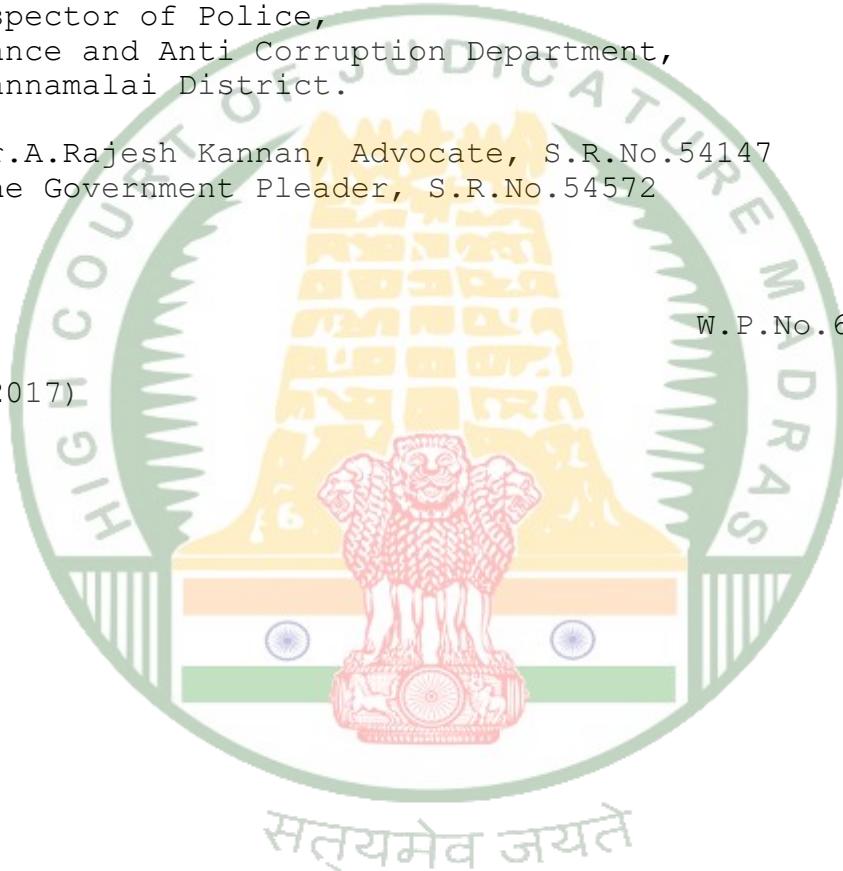
To

1. The Deputy Inspector General of Police,
Vellore Range,
Vellore District.
2. The Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Vigilance and Anti Corruption Department,
Tiruvannamalai District.

+1cc to Mr.A.Rajesh Kannan, Advocate, S.R.No.54147
+1cc to the Government Pleader, S.R.No.54572

PVS (CO)
GN (31/08/2017)

W.P.No.6029 of 2017



WEB COPY