

R. Chandran Vs. the Additional Director General of Police, Commissioner of Police and ors.

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Court : Chennai

Decided On : Jul-15-1999

Reported in : (1999)3MLJ264

Appellant : R. Chandran

Respondent : The Additional Director General of Police, Commissioner of Police and ors.

Judgement :

ORDER

A.C. Agarwal, C.J.

1. By the present petition, the petitioner, who is a Head Constable seeks to impugned an order passed by the Tamilnadu Administrative Tribunal, Chennai, dated 7.1.1998 dismissing his O.A.No. 1661 of 1997. By the aforesaid O.A. the petitioner had impugned an order of suspension issued against him pending disciplinary proceedings initiated against him. By the impugned order, the order of suspension has been maintained and the aforesaid O.A. has been dismissed.

2. Counsel appearing on behalf of the petitioner has brought to our notice an order passed by the Tribunal in O.A.No. 911 of 1997 which was filed by one P. Krishnamoorthy, Sub-Inspector of Police. On facts which are practically identical to

the facts arising in the present case, aforesaid O.A.No. 911 of 1997 filed by the aforesaid P. Krishnamoorthy was allowed and the order of suspension passed against the said P. Krishnamoorthy has been revoked. Both the petitioner in the present case as also P. Krishnamoorthy were attached to the same police station on the date of the incident which has led to the initiation of disciplinary proceedings against both of them. It is the case of the prosecution that the complainant had offered a bribe to Krishnamoorthy in his chamber and at that stage, Krishnamoorthy called the petitioner in his chamber and directed the complainant to hand over the amount to the petitioner. Both the petitioner as also the said Krishnamoorthy were arrested and they were later released on bail. Disciplinary proceedings were initiated against both delinquents and both of them were placed under suspension pending enquiry. Similarly both the petitioner as also P. Krishnamoorthy, impugned the order of suspension by filing the aforesaid O.As. As far as P. Krishnamoorthy is concerned, his O.A.No. 911 of 1997 has been allowed and the order of suspension has been revoked. P. Krishnamoorthy is continuing in service. As far as the petitioner is concerned, by the impugned order, the order of suspension has been maintained and the petitioner continues to remain under suspension. We are surprised that these diverse orders have been passed by the very same tribunal to which atleast one of the members Mr. Thangaraju was a member. Thus the aforesaid member Mr. Thangaraju is a party to these diagonally opposite orders. We have carefully scrutinised both the cases and we do not find any difference between the two so as to justify this discriminatory treatment. The only difference that we can fathom is the difference in the rank, one being a police Sub-Inspector and the other a police constable. In the circumstances, we find that the impugned order deserves to be quashed and set aside, if not, on any other account out atleast on the ground of equality and, parity. Accordingly the said order is quashed and set aside. The order of suspension issued as against the petitioner dated 10.12.1994 is quashed and set aside. The respondents are directed to reinstate the petitioner in service with immediate effect. He shall also be paid all monetary benefits. Present petition is accordingly allowed. The respondents will pay the costs to the petitioner. W.M.P.No. 20915 of 1998 is closed as no orders are necessary.

