

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.3147 OF 2014

K.S.Krishnakumar

... Petitioner

Vs.

1. The District Collector,
Collectorate, Thiruppur District.
2. The Government of Tamil Nadu
Rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai 600 009.
3. The Assistant Director,
Survey and Land Records,
Tiruppur.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 30.08.2013.

For Petitioner : Mr.V.Venkatesh

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the adjourned admission stage itself.

2.The petitioner joined service as Land Survey Draughtsman on 06.12.1982. He was working as Firka Surveyor in the office of the Thiruppur North Circle, Thiruppur Taluk, from 01.08.2011.

3. While so, he was placed under suspension by the third respondent vide order dated 07.11.2012 on the allegation that he demanded illegal gratification of Rs.15,000/- from one Mr.Dhandapani and a case has been registered against him in Crime No.172012/AC/TR. The petitioner made a representation dated 30.08.2013 to the respondents to revoke the order of suspension.

4. In fact, the Honourable Division Bench of this Court in the case of THE CHAIRMAN, TNEB AND ANOTHER VS. S.VENKATESAN [2014(5) MLJ 769], after analysing all the judgments on this point, refused to interfere with the decision of the authorities in refusing to revoke the suspension, more particularly in the case relating to corruption charges. At this stage, it would be appropriate to extract the relevant portion of the judgment, which reads as follows:

"25.The case of the petitioner is one of deemed suspension and merely because criminal prosecution is keeping prolonged and that the first respondent/writ petitioner is also kept under suspension for over 5 years, cannot be a ground to revoke the order of suspension with an consequential order of reinstatement. The cases referred to by the learned counsel appearing for the first respondent/writ petitioner would disclose that in some cases pursuant to the Court orders and orders of acquittal passed by the Criminal Court, orders of suspension have been revoked and in some cases, based on the recommendation made by the Chief Vigilance Officer, ADGP-Vigilance attached to TANGEDCO, orders of suspension have been revoked and each case depends upon its own facts and circumstances and in cases involving bribery and moral turpitude, there cannot be any uniform guideline especially with regard to revoking the orders of suspension."

5. In view of the above, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gg

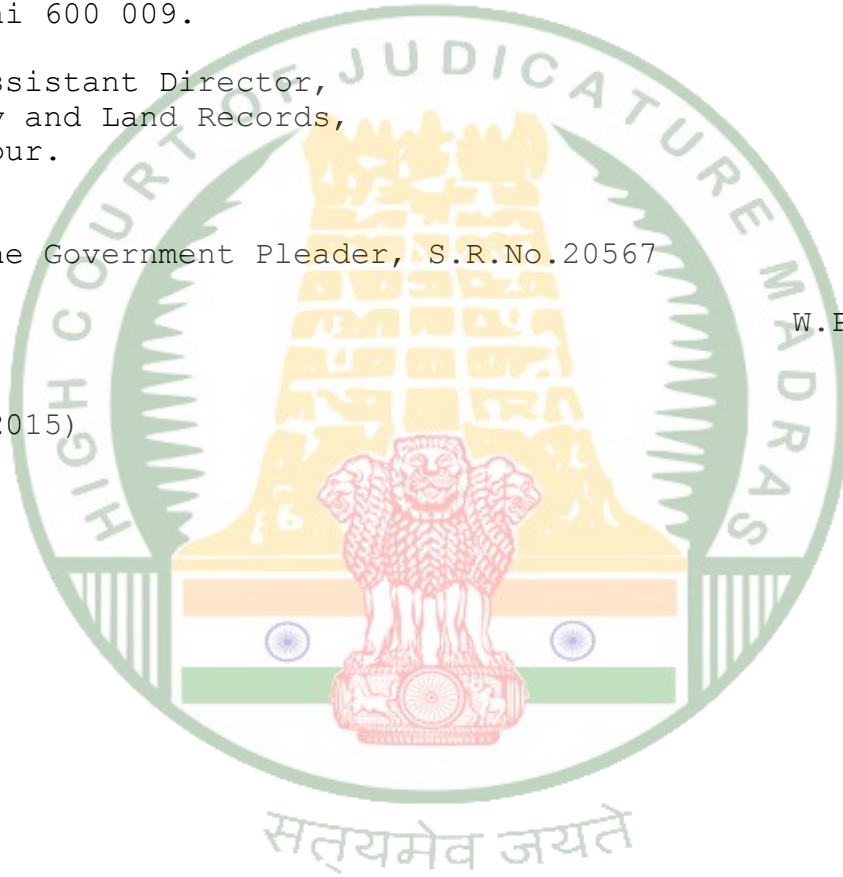
To

1. The District Collector,
Collectorate, Thiruppur District.
2. The Secretary,
Government of Tamil Nadu
Revenue Department,
Fort St. George,
Chennai 600 009.
3. The Assistant Director,
Survey and Land Records,
Tiruppur.

+1cc to the Government Pleader, S.R.No.20567

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MG(CO)
CA(27/05/2015)



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