

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.12112 OF 2015

G.Srinivasan

... Petitioner

Versus

1.The District Revenue Officer
Salem.

2.The Tahsildar
Taluk Office
Mettur.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to dispose of the petitioner's representation dated 19.03.2015.

For Petitioner : Mr.S.Vijayakumar

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 admission stage itself.

2.The petitioner joined service as Assistant on 04.01.2013 in the Revenue Department and allotted to Nilgiris District. He got transferred to Salem District and joined as Assistant in the Sub Collector's Office, Mettur. Later, he joined as Assistant in the Taluk Office at Mettur. While so, he was placed under suspension by the first respondent vide order dated 03.09.2014 on the alleged

charges that he demanded illegal gratification of Rs.10,000/- from Tmt.S.Sudha, W/o. (Late) Saravanan, Pannapatti, Keel Street, Pannapatti, Omalur Taluk, Salem District and he was trapped and arrested at 14.10 hrs on 01.09.2014 by the Vigilance and Anti Corruption Police for demanding and accepting Rs.10,000/- as bribe. The petitioner made a representation dated 19.03.2015 to the first respondent to review the order of suspension.

3.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."

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The District Revenue Officer
Salem.

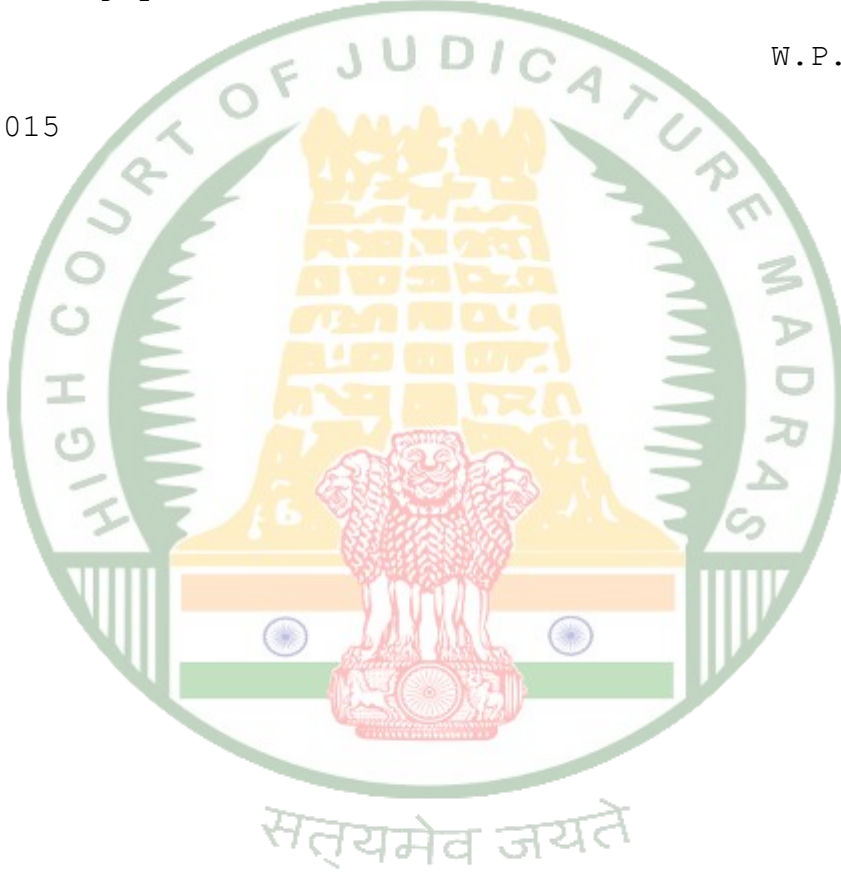
2.The Tahsildar
Taluk Office
Mettur.

1 cc to Government Pleader SR.No.22528/15

1 cc to Mr.S.Vijayakumar ,Advocate, SR.No.22219/15

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pmk.22.5.2015



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