

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.13417 of 2015

and M.P.Nos.1 to 3 of 2015

S.Thillaigovindan

[Petitioner]

Vs

The District Collector
Cuddalore District Cuddalore.

[Respondent]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of certiorarified Mandamus, to call for the records on the file of the respondent in No.A2/29842/ 2013 dated 27.1.2014 and the order in Na.Ka. No.A2/29842/ 2012 dated 14.11.2014 and to quash the same and to issue consequential directions to the respondent to reinstate the petitioner in service with immediate effect with all consequential benefits.

For Petitioner : Mr.M.Ravi
For Respondent : Mr.S.Gunasekaran
Government Advocate.

O R D E R

Mr.S.Gunasekaran, learned Government Advocate, takes notice for the respondent. With the consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has come forward with this writ petition seeking to quash the orders dated 27.1.2014 and 14.11.2014 and to issue consequential directions to the respondent to reinstate the petitioner in service with immediate effect, with all consequential benefits.

3. The petitioner is a Tahsildar. A criminal case was registered against him in Crime No.3 of 2014 on the file of the the District Crime Branch, Cuddalore on 11.01.2014 under Sections 409, 465, 468, 471, 477-A and 420 IPC. The allegations made in the FIR are very serious in nature. On account of registration of the said

criminal case, the petitioner was placed under suspension by order dated 27.01.2014. The petitioner filed W.P.No.23291 of 2014 seeking to quash the suspension order, in view of pendency of criminal case in Crime No.3 of 2014. However, when the matter was taken up for disposal, the petitioner has sought for disposal of the representation dated 26.05.2014 to revoke the suspension. Hence, this Court passed an order dated 27.08.2014, to consider and pass orders on the representation of the petitioner dated 26.05.2014, within a period of eight weeks from the date of receipt of a copy of that order. Pursuant to the same, the order dated 14.11.2014 was passed, refusing to revoke the suspension order stating that the petitioner had caused loss to the tune of Rs.1,07,20,312/-, by way of misappropriation of Government funds.

4. 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 juncture, 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 serious nature of allegations levelled against the petitioner and also taking into account the Division Bench Judgment referred to above, I am not inclined to interfere with the impugned order passed by the respondent. Hence, the writ

petition is dismissed. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

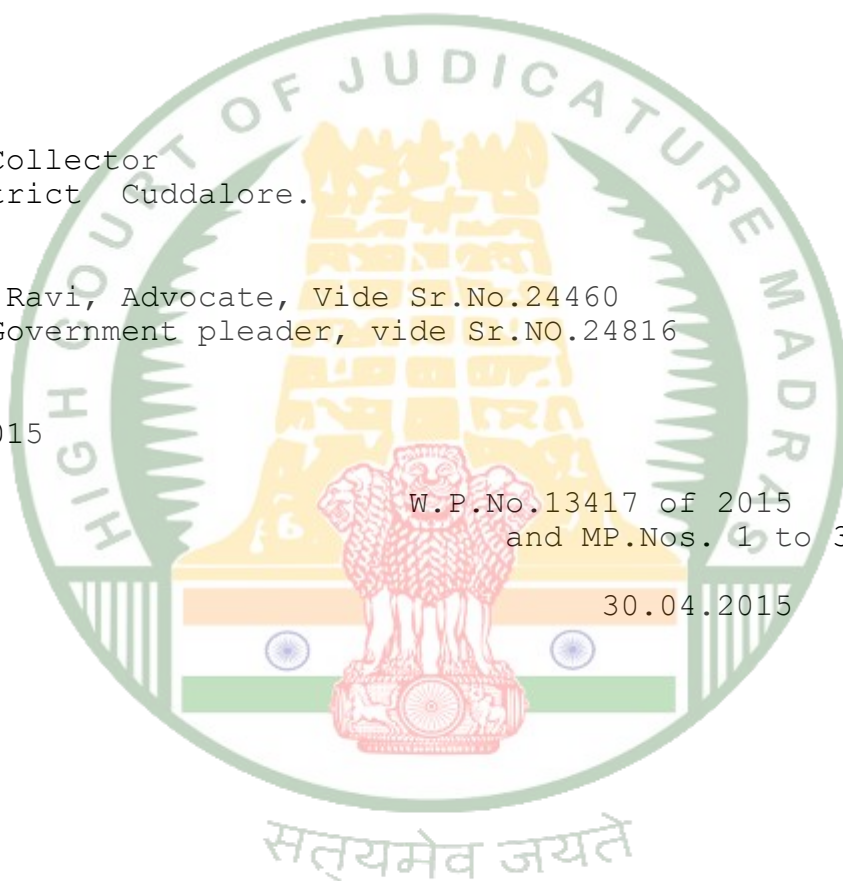
The District Collector
Cuddalore District Cuddalore.

+1 CC to Mr.M.Ravi, Advocate, Vide Sr.No.24460
+1 CC to The Government pleader, vide Sr.NO.24816

CO-SSI
ths : 19.05.2015

W.P.No.13417 of 2015
and MP.Nos. 1 to 3/2015

30.04.2015



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