

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15489 of 2015

And

M.P.Nos.1 to 3 of 2015

Tmt.P.Bhuvaneswari

... Petitioner

Vs.

1.The Sub-Collector (in-charge) cum
Revenue Divisional Officer,
Madurantakam Taluk,
Kancheepuram District.

2.The Tahsildar
Madurantakam Taluk,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent in connection with the impugned order passed by him in R.C.No.1717/2013/B dated 12.07.2013 and quash the same.

For Petitioner : Mr.K.Venkatramani,
Senior Counsel
for M/s.M.Muthappan

For Respondents : Mr.K.V.Dhanapalan
Additional Government Pleader

O R D E R

Heard both sides. Mr.K.V.Dhanapalan, learned Additional Government Pleader takes notice for the respondents. By consent the writ petition is taken up for final disposal.

2.The petitioner is a Village Administrative Officer. A criminal case is pending against her before the Chief Judicial Magistrate, Chengleput in Special C.C.No.7 of 2014 under the Prevention of Corruption Act. Pending the aforesaid criminal case, the petitioner was placed under suspension by an order dated 12.07.2013. When she was placed under suspension it was under investigation stage. Now charge sheet is laid. This writ petition is filed seeking to quash

the suspension order.

3.I am not inclined to quash the suspension order since the suspension is relating to a pending corruption case. A Division Bench of this Court in its judgment reported in 2014 (5) MLJ 769 (The Chairman, TNEB and another Vs. S.Venkatesan) 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.However, since the petitioner has been under suspension for two years and since the charge sheet has been filed in Special C.C.No.7 of 2014 before the Chief Judicial Magistrate, Chengleput, a direction is issued to the learned Chief Judicial Magistrate, Chengleput to complete the trial and dispose the matter within a period of one year from the date of receipt of a copy of this order.

5.It is the case of the petitioner that the petitioner is not paid subsistence allowance at the rate of 75% of the wages as per rules. The learned counsel for the petitioner states that the petitioner made representation dated 12.07.2013 in this regard. In the circumstances, the first respondent is directed to pass orders on the representation dated 12.07.2013 relating to claim of 75% of the wages as subsistence allowance within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

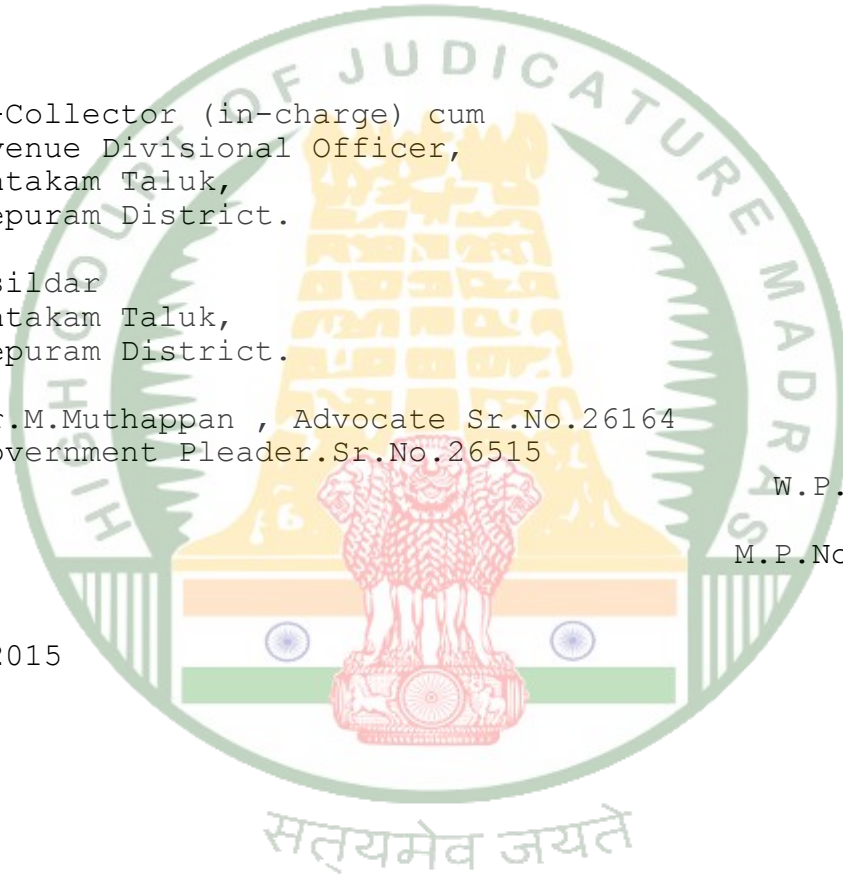
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2.The Tahsildar
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1 cc to Mr.M.Muthappan , Advocate Sr.No.26164
1 cc to Government Pleader.Sr.No.26515

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