

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29872/2015 & MP.Nos.1&2/2015

M.Dinakaran

... Petitioner

Versus

The Treasury Officer
District Treasury, Collectorate
Vellore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings RC.No.13171/2014/G3 dated 14.07.2014 and quash the same and consequently direct the respondent to reinstate the petitioner into service as Assistant/Accountant with all attendant benefits, backwages and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.V.Subbiah,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner while discharging his duties as Accountant at the District Treasury, Collectorate, Vellore, was involved in the commission of the offences punishable under the provisions of the Prevention of Corruption Act, 1988, for having demanded and accepted illegal gratification of Rs.1000/- one Tmt. Syronmani, for passing the bills of her retirement benefits. In this regard, a criminal case was registered in Cr.No.2/2014 by the Vigilance and Anti Corruption Detachment, Vellore, and the petitioner was arrested and he was incarcerated for more than 48 hours and consequently, he was placed under deemed suspension by the order of the respondent dated 14.07.2014.

3. Learned counsel for the petitioner would submit that the is nothing to do with the alleged commission of the offences and he

has been falsely implicated and speedy investigation is also not done and therefore, prays for quashment of the suspension order.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondent would submit that the allegations levelled against the petitioner are serious in nature for having demanded and accepted illegal gratification of Rs.1000/- from Tmt. Syronmani to settle her terminal benefits and therefore, he has been rightly placed under suspension and since it is a deemed suspension, unless and until the concerned authority reviews the same, the petitioner, as a matter of right, cannot seek for reviewing the suspension order.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit a representation to the respondent for reviewing the order of suspension within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the same in accordance with law, in the light of the letter No.13519/N/2015 dated 23.07.2015 issued by the Personnel and Administrative Reforms Department and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

AP
To

Sub Assistant Registrar

The Treasury Officer
District Treasury, Collectorate
Vellore.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.52514
+1cc to the Government Pleader, S.R.No.52149

W.P.No.29872 of 2015

VGI (CO)
CA(09/10/2015)