

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-10-2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.34008 of 2015

and

M.P.Nos.1 and 2 of 2015

V.Radhakrishnan

.. Petitioner

vs

The Chief Engineer
(Agricultural Engineering)
Nandanam, Chennai 35.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records on the file of the respondent in Proc.No.DC3/9365/2015 dated 10.3.2015, and quashing the same and directing the respondent to reinstate the petitioner into service with all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2.The petitioner would state that he while working as an Assistant Engineer in the Office of the Assistant Executive Engineer, Theni, was said to have demanded and accepted illegal gratification of Rs.20,000/-, which resulted in the registration of a case in Crime No.3 of 2015 by the jurisdictional Vigilance and Anti-Corruption Detachment, and the period of his incarceration exceeded 48 hours and therefore, he was placed under deemed suspension vide impugned order of the respondent dated 10.3.2015, and challenging the legality of the same, he came forward to file this writ petition.

3.Mr.M.Ravi, learned Counsel appearing for the petitioner, would submit that admittedly, the period of 48 hours came to an end only on 11.3.2015; but, the petitioner was placed under deemed suspension even on 10.3.2015 itself, and hence, on the sole ground, the impugned order is liable to be set aside.

4.The learned Counsel for the petitioner has also drawn the attention of this Court to Letter No.13519/N/2015 - 1 dated 23.7.2015, issued by the Personnel and Administrative Reforms (N) Department, and would submit that the said administrative instructions came to be issued based on the judgment of the Hon'ble Supreme Court of India reported in (2015) 7 SCC 291 (AJAY KUMAR CHOUDHARY V. UNION OF INDIA AND ANOTHER), and in this regard, the petitioner has also submitted a representation dated 7.9.2015, for reviewing the order of suspension and prays for appropriate orders.

5.Per contra, Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondent, would contend that the petitioner was caught red-handed while accepting the illegal gratification of Rs.20,000/- and consequent upon his arrest and detention, he was placed under deemed suspension.

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

7.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the respondent to consider the representation dated 7.9.2015, submitted by the petitioner, on merits and in accordance with law, in the light of the above said administrative instructions dated 23.7.2015, issued by the Personnel and Administrative Reforms (N) Department, and pass orders thereon within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/ जयते

Sub Asst. Registrar

To:

The Chief Engineer
(Agricultural Engineering)
Nandanam, Chennai 35.

+1 cc to Mr.M.Ravi, Advocate, sr.58200

nsv

W.P.No.34008 of 2015