

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34172 of 2015
and M.P.Nos.1 and 2 of 2015

K.Krishnamurthy

... Petitioner

-Vs-

The Commissioner,
Municipal Administration
and Water Supply Department,
Chepauk, Chennai - 5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by him in ROC No.24566/2013 (VI) dated 13.07.2013 and quash the same and direct the respondent to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel for Mr.M.Muthappan
For Respondents : Mr.V.Subbiah
Special Government Pleader

सत्यमेव जयते
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner while working as Town Municipality Officer at Dharmapuri Municipality, Dharmapuri, was said to have demanded and accepted illegal gratification of Rs.10,000/- for processing the file with regard to the plan approval for construction of house.. The Vigilance and Anti-corruption detachment has also registered a case in Crime No.3/AC/2013 under the provisions of Prevention of Corruption Act, 1988. The petitioner was arrested on 12.07.2013 and was remanded to judicial custody and he was placed under suspension on

13.07.2013 by the 1st respondent and challenging the illegality of the said order, this writ petition is filed.

3. Mr.K.Venkataramani, learned Senior Counsel for Mr.M.Muthappan appearing for the petitioner would contend that admittedly, the petitioner was arrested on 12.07.2013 and only after the expiry of 48 hours, the deemed suspension shall come into effect and admittedly, the order of suspension was came into passed on the very next day and therefore, it cannot be construed as a deemed suspension. It is the further submission of the learned counsel appearing for the petitioner that the case, after investigation, has culminated into charge sheet, which has also been taken on file in C.C.No.3 of 2015 by the Court of chief Judicial Magistrate, Special Judge, Dharmapuri and in the light of the administration instruction issued by the Personal Administrative Reforms Department dated 23.07.2015 in letter No.13519/N/2015, the order of suspension has to be necessarily reviewed by the respondent and hence, prays for appropriate orders.

4. Heard the submission of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent and he would submit that since the petitioner was arrested and incarcerated, he has been rightly placed under suspension.

5. Though the petitioner prayed for the larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the respondent to consider the representation dated 27.07.2015 submitted by the petitioner for reviewing/revoking the order of suspension in the light of the above cited administration instruction and pass orders on merits and in accordance with law within a period of eight 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/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsm

To

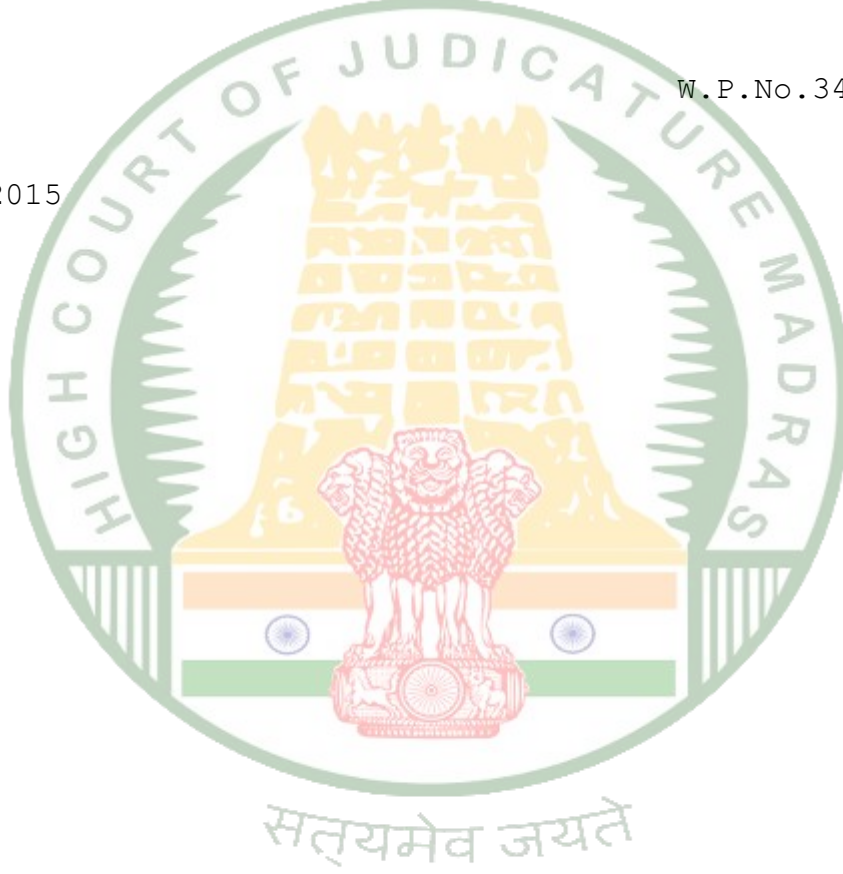
The Commissioner,
Municipal Administration
and Water Supply Department,
Chepauk, Chennai - 5.

+1 CC to MR.M.Muthappan Advocate. SR.NO. 58436

+1 CC to Govt.Pleader. SR.NO. 58757

W.P.No.34172 of 2015

AR-II
JD 23/11/2015



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