

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.3691 OF 2015

AND M.P.NO.1 OF 2015

S.Viswanathan
Tahsildar
(Under suspension)
Viruthachalam.

... Petitioner

Versus

The Collector
Cuddalore District.

... 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 connected with the proceedings issued in Na.Ka.A2/21904/2012 dated 30.01.2015 passed by the respondent herein and quash the same and consequently direct the respondent to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner joined service as Typist on 19.10.1983 and promoted as Assistant in the year 1996. Later, he was promoted as Superintendent in the the year 2009. While so, he was placed under suspension by the respondent by an order dated 17.07.2014 pursuant to a criminal case being registered by the Vigilance and Anti Corruption Department, Cuddalore, in Crime No.2 of 2014. The allegation against the petitioner is that he demanded and accepted a bribe of Rs.5,000/-.

3. Thereafter, the petitioner made a representation dated 22.09.2014 to the respondent to review and revoke the suspension order. He filed writ petition in W.P.No.32011 of 2014 seeking to quash the suspension order. However, when the matter came up for hearing, it was represented to dispose of the representation dated 22.09.2014. Hence, the writ petition was disposed of on 08.12.2014 directing the respondent to pass orders on the representation dated 22.09.2014 of the petitioner.

4. Based on the said order of this Court, the impugned order dated 30.01.2015 is passed by the respondent refusing to revoke the suspension on the ground that the criminal investigation is still going on.

5. The learned counsel for the petitioner submitted that the investigation is over and the charge sheet has to be laid shortly.

6. It is not the case of the petitioner that after investigation is over, the case is closed as mistake of fact. On the other hand, after the investigation is over, according to the petitioner, a charge sheet has to be laid shortly.

7. In these circumstances, I am not inclined to interfere with the impugned order, particularly taking note of the Division Bench judgment of this Court in THE CHAIRMAN, TAMIL NADU ELECTRICITY BOARD AND ANOTHER VS. S.VENKATESAN AND ANOTHER [W.A.NO.2806 OF 2012 DATED 01.08.2014] and the relevant passage in para 25 of the said judgment is extracted hereunder:

"25..... 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."

8. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

VRC/TK

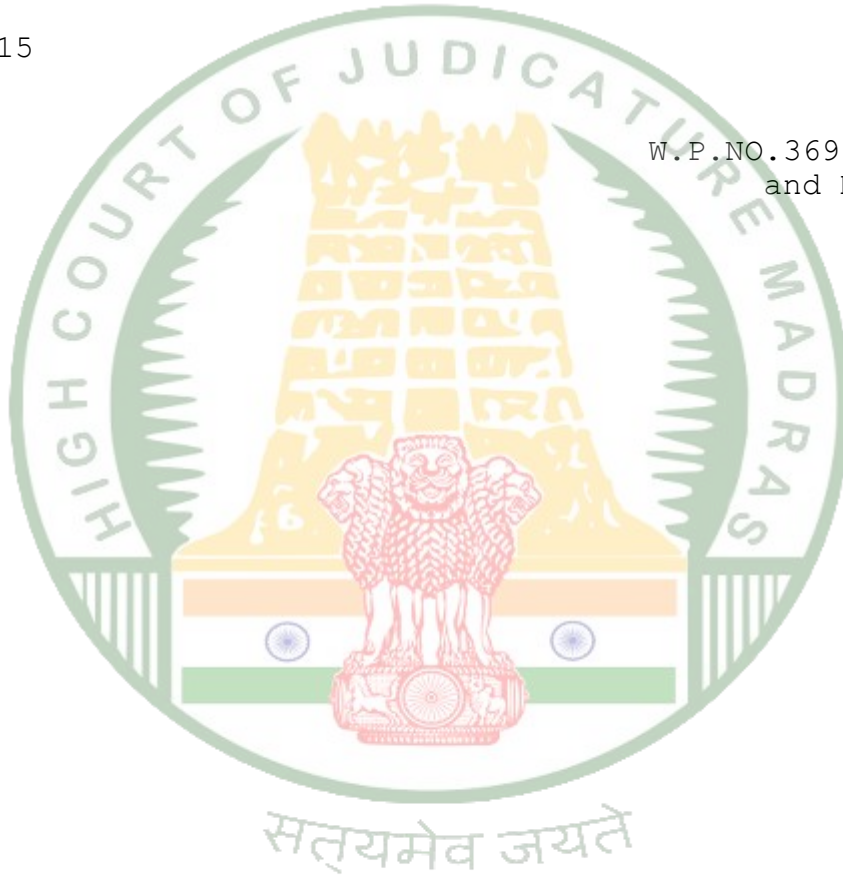
To

The Collector
Cuddalore District.

+1 CC to M/S.S.Ilamvaludhi, Advocate Sr.No.20112
+1 CC to The Government Pleader, High Court, Madras-104.
Sr.No.20424

CO-RSY
ths : 19.05.2015

W.P.NO.3691 OF 2015
and MP.1/2015



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