

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.NO.9802 OF 2015

M.R.Subramanian

.. Petitioner

Versus

1. The Principal Secretary to Government
Revenue Department
Government of Tamil Nadu
Secretariat, Chennai - 600 009.

2. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 600 005.

.. Respondents

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 pertaining to impugned order dated 06.11.2014 passed by the 1st Respondent in letter No.30109/Ser 2(1)/2014-3 and quash the same and, with a consequential direction to him to revoke the order of Petitioners suspension made in G.O.(2D)No.34, Revenue [Ser.2(1)] Department, Dated 31.01.2012.

For Petitioner : Mr.R.Neelakandan

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

O R D E R

Heard the submissions made by the learned counsel for the petitioner and perused the materials available on record.

2.The impugned order dated 06.11.2014 in the writ petition is the order of the Review Committee refusing to revoke the order of suspension. The contents of the impugned order is extracted hereunder:

"Sir,

Sub: W.P.No.20512 of 2014 filed by Thiru M.R.Subramanian - before the Hon'ble High Court of Madras - Revocation of Suspension - Regarding.

Ref: 1) G.O.(2D) No.34, Revenue Dept.,
dated 31.01.2012.

2) Your representation dated 12.06.2014.

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I am directed to invite your attention to the references cited and to state that your request for revocation of suspension orders passed in the G.O. first cited was placed before the Review Committee for Suspension Cases and the Committee has rejected your request for the reason, that as per the report of the Appropriate Investigating Authority, you have committed irregularities in the issuances of scholarship to SC/ST students and issued 14 cheques for Rs.1,18,80,110/- to non-existing, non-functioning institutions with bogus students strength.

2.Hence, it is informed that your suspension could not be revoked at this stage."

3.The learned counsel for the petitioner has produced a letter dated 10.01.2012 of the District Collector, Namakkal addressed to the second respondent, wherein it is stated that no specific report has been received from the Department of Vigilance and Anti-Corruption about the involvement of the petitioner in the irregularities referred to in the distribution of scholarships. But, when this Court has put a question, the learned counsel for the petitioner has fairly admitted that the Review Committee is the superior authority than the District Collector.

4.I am not inclined to interfere with the decision of the Government in not revoking the suspension. The allegations are also so grave. The petitioner retired from service on 31.01.2012. Now more than 2 years have lapsed. The learned Special Government Pleader is not able to state the stage of the enquiry by the Department of Vigilance and Anti-Corruption. They could not keep the investigation pending for an indefinite period. Hence, the Department of Vigilance and Anti-Corruption shall complete the investigation and decide one way or other. But the Department of Vigilance and Anti-Corruption could not keep it pending indefinitely.

5.Even if the departmental action is taken or criminal proceedings was initiated and the same results in passing of

dismissal order, the petitioner could not be deprived of GPF, Special Provident Fund and the Earned Leave encashment benefits. The respondents are thus directed to settle those benefits, if not already settled.

6.In the result, the writ petition is disposed of with a direction to the Vigilance and Anti-Corruption Department to complete the investigation and decide the matter one way or other, within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

NVI/TK
To

1. The Principal Secretary to Government
Revenue Department
Government of Tamil Nadu
Secretariat, Chennai - 600 009.
 2. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 600 005.
 - 3.The Director, Vigilance and Anti-Corruption Department, Chennai-28.
- 1 cc to Mr. P.Neelakandan, Advocate, SR.No.18766/15
1 cc to Government Pleader, Sr.No19000/15

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pmk.22.4.2015

W.P.NO.9802 OF 2015

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