

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.18673 of 2016

R.Sakthivel

.. Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government
Revenue Department
Secretariat
Chennai-9.

2.Director and Commissioner
Survey and Settlement
Ezhilagam
Chepak
Chennai-5.

3.Assistant Director
Survey and Land Records Department
Collectorate Complex
Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in Rc.No.A3/5425/15, dated 09.11.2015, on the file of the 3rd respondent and quash the same and consequently, to direct the 3rd respondent to revoke the suspension order and reinstate the petitioner in the same service and same place, wherein, he worked before suspension, by regularizing the period of suspension as duty with all attended benefits and to pass further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner :Mr.V.Arunagiri

For Respondents :Mr.A.Kumar
Special Government Pleadeer

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records in Rc.No.A3/5425/15, dated 09.11.2015, on the file of the 3rd respondent and quash the same and consequently, to direct the 3rd respondent to revoke the suspension order and reinstate the petitioner in the same service and same place, wherein, he worked before suspension, by regularizing the period of suspension as duty with all attended benefits and to pass further orders as this Court may deem fit and proper in the circumstances of the case.

3. The petitioner entered into service as Surveyor, on consolidated pay, on 01.12.1984. Based on the complaint given by one Lakshmanan, a case was registered against the petitioner in Cr.No.3 of 2015 on the file of the Inspector of Police, V&AC, Thiruvannamalai. Thereafter, the petitioner was arrested by a trap on the allegation that he demanded and accepted the bribe of Rs.6,000/- from Lakshmanan, on 06.11.2015. While so, the 3rd respondent suspended the petitioner, by letter dated 09.11.2015. Aggrieved against the same, the petitioner has preferred an appeal before the 1st respondent, on 08.02.2016, requesting to revoke the petitioner's suspension under Rule 17(e)(6) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, but, till date, there was no response. Hence, the petitioner has filed the present Writ Petition.

4. Mr.V.Arunagiri, the learned counsel for the petitioner would submit that, though, 90 days have lapsed, the charge sheet has not been filed. He would further add that, though, the relief sought for in this Writ Petition is for a larger relief, he is restricting his claim and he would be satisfied, if a direction is issued to the 1st respondent to consider the appeal filed, seeking for revocation of the petitioner's suspension, on 08.02.2016, and pass appropriate orders.

5. Mr.A.Kumar, the learned Special Government Pleader, who takes notice on behalf of the respondents, would contend that when the appeal is pending, this Writ Petition is too premature.

6. Taking into consideration that the petitioner has preferred an appeal before the 1st respondent, on 08.02.2016, and the same is pending before him, and also the fact that the petitioner has restricted his prayer, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the appeal preferred by the

petitioner, on 08.02.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar (CSIV)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
Revenue Department
Secretariat
Chennai-9.
2. Director and Commissioner
Survey and Settlement
Ezhilagam
Chepak
Chennai-5.
3. Assistant Director
Survey and Land Records Department
Collectorate Complex
Thiruvannamalai District.

+1 cc to Government Pleader sr.29809

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