

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.32099 of 2016

S.Bharathi

... Petitioner

VS.

1.The District Collector,
Vellore District, Vellore.

2.The Assistant Collector,
Thirupattur,
Vellore District.

3.The Tahsildar,
Vaniyampadi Taluk,
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.02.2016 and 23.08.2016 and thereby direct the respondents to reinstate the petitioner into service from 24.12.2015 with all consequential monetary and other service benefits.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition seeking for the issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representations dated 10.02.2016 and 23.08.2016 and thereby direct the respondents to reinstate the petitioner into service from 24.12.2015 with all consequential monetary and other service benefits.

2. The case of the petitioner is as follows:

(a) The petitioner was appointed as Village Administrative Officer through the Tamil Nadu Public Service Commission on 15.03.2008 by the 2nd respondent and she has worked for more than 8 years in several places without any blemish. While so, on a false complaint lodged by one Mr.N.Krishnamoorthy on 23.12.2015 that the petitioner has demanded Rs.5,000/- as bribe for recommending the patta name transfer. Based on the same, the Inspector of Police, Vigilance and Anti Corruption, Vellore, registered a case in Crime No.15/2015 under Section 7 of the Prevention of the Corruption Act, 1988 against the petitioner. Subsequently, she was produced before the learned Judicial Magistrate-cum-Special Judge, Vellore and remanded into judicial custody. Therefore, the 2nd respondent placed

her under suspension by order dated 24.12.2015.

(b) In this regard, no further proceedings was so far initiated and the said order of suspension was not revoked till date. The petitioner has also sent a representation dated 23.08.2016 followed by the representation dated 10.02.2016 to the respondents with a request to revoke the suspension order. But the same has not been considered. Hence, the present Writ Petition.

3. Learned counsel appearing for the petitioner, by relying upon the order of this Court dated 2.7.2012 made in W.P.Nos.29195 of 2010, etc. batch, in the case of **G.Mathivannan v. The Director of Municipal Administration, Chepauk, Chennai-5 and another**, submitted that in the identical issue, this Court has set aside the suspension order and directed the respondents therein to transfer the petitioners therein to far away place and post them in a non-sensitive post. In this case also, the same order could be passed.

4. The relevant portion of the said order is usefully

extracted hereunder:-

" 7. Apart from this, in all these cases, after a period of 6 months, the petitioners are entitled to get 75% of emoluments as subsistence allowance. Instead of keeping them idle and paying 75% of salary, by way of allowance, by transferring them to a far away place and posting them in a non-sensitive post, after extracting work, they can be paid salary. However, the same can be done without detriment to the action initiated against them. In the criminal case, some of them or a few of them may be exonerated or they may be punished. But, as on date, not only finality has not been reached but there is no progress. Under such circumstances, in the opinion of this Court, continuance of their suspension is unreasonable following the judgment of the Division Bench.

8. In view of this, the suspension orders passed in all these writ petitions are set aside. However, the respondents are at liberty to post these petitioners in a far away place from the station of occurrence and post them

in a non-sensitive post and if for any reason, the authorities are of the opinion that their continuance in service is a hindrance for the action initiated against them, they can re-examine the issue and they are at liberty to take appropriate action".

5. Considering the facts and circumstances of the case and in the light of the order passed in the said writ petitions, I am of the opinion that instead of giving a positive direction, an appropriate direction could be given to the respondents to consider the case of the petitioner in the light of the orders passed in W.P.Nos.29195 of 2010, etc. batch dated 2.7.2012.

6. Accordingly, the present writ petition is disposed of, with a direction to the petitioner to give a detailed representation to the respondents along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said representation in the light of the orders passed in W.P.Nos.29195 of

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2010, etc. batch dated 2.7.2012 and pass appropriate orders, within a period of four weeks thereafter. No costs.

16.09.2016

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To

- 1.The District Collector,
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Vellore District.
- 3.The Tahsildar,
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W.P.No.32099 of 2016

DATED: 17.01.2014