

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

Coram

The Honourable Mr.HULUVADI G.RAMESH,
ACTING CHIEF JUSTICE
and
The Honourable Mr.Justice RMT.TEEKAA RAMAN

W.A.NO.279 OF 2017
C.M.P.No.4319 of 2017

The Assistant Director,
Survey and Land Records Department,
Coimbatore-18. ... Appellant

versus

G.Shanmugasundaram ... Respondent

Writ Appeal filed under clause 15 of letters patent against the order of this court dated 14.08.2014 and made in W.P. No 21135 of 2014, which was presented to this court under Article 226 of the constitution of India to call for the records pertaining to the order of the respondent herein passed in Rc.A8/10490/2006 dated 12.8.2006 placing the petitioner under suspension and the consequential order passed by the respondent herein in his Na.Ka.A8/10490/06 dated 26.5.2010 and Na.Ka.A8/10490/06 dated 28.6.2011 rejecting the petitioners request for revocation of suspension and quash the same and consequently direct the respondent herein to revoke the petitioners suspension order

For Appellant : Mr.P.S.Sivashnamugasundaram,
Spl.G.P.

For Respondent : Mr.Ravi Shanmugam

JUDGMENT

(Judgment of the Court was made by
THE ACTING CHIEF JUSTICE)

This Writ Appeal arises out of the order dated 14.08.2014 passed by the learned single Judge in W.P.No.21135 of 2014, in and by which, the impugned order dated 26.5.2010 cancelling the order dated 24.3.2010 which revoked the suspension order against the respondent herein, came to be set aside.

It appears that the second respondent was placed under suspension by order dated 12.08.2006 since a criminal case was

filed against him for the alleged charge that he demanded and accepted the illegal gratification and simultaneously departmental proceedings were also initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. However, later, the suspension order came to be revoked by order dated 24.3.2010. Thereafter, by order, dated 26.5.2010 while cancelling the order of revocation, again the respondent was placed under suspension on the ground of administrative and public interest. Challenging the same, the respondent filed the Writ Petition, which came to be allowed by the learned Judge. As against the said order, the present Writ Appeal has been preferred.

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader would submit that considering the gravity of the nature of he offence and as the criminal case is still pending against the respondent, he was placed under suspension by cancelling the revocation order and further the respondent was not allowed to retire from service though he attained the age of superannuation. In such circumstances, it is not appropriate to set aside the impugned order of suspension and hence, the order passed by the learned Judge is liable to be set aside.

Having regard to the facts and circumstances and in view of the pendency of the criminal case against the respondent and also taking into consideration the gravity of the nature of the offence, we are of the view that the order of the learned Judge cannot be sustained.

Accordingly, the Writ Appeal is allowed and the order dated 14.08.2014 in W.P.No.21135 of 2014, is hereby set aside. No costs. Consequently, connected MP is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To
The Assistant Registrar
Survey and Land Records Department
Coimbatore 18
+1 CC to Mr. Ravi Shanmugam, sr 16968
+1 CC to Govt. Pleader sr 17053

W.A.NO.279 OF 2017

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