

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.665 of 2017
and

C.M.P.Nos.9372 and 9373 of 2017

- 1 The Principal Secretary/
Commissioner of Revenue
Administration
Chepauk Chennai-5
 - 2 The District Collector
Collectorate Salem
 - 3 The District Revenue Officer
and District Collector (I/c)
Collectorate Salem ..Appellants/Respondents
- Versus
- P.Murugesan ..Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2016 passed in W.P.No.34201 of 2016 on the file of this court. Petition under Article 226 of the constitution of India, praying for issuance of a writ of certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent vide ROC.No.8721/2014/A2, dated 31.05.2016 and to quash the same and consequently to direct the 2nd respondent to revoke the order of suspension dated 23.03.2014.

For appellants : Mr.V.Jayaprakash Narayanan,
Special Government Pleader
For respondent : Mr.S.Vijayakumar

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ appeal is filed by the Government challenging the order of the learned Single Judge directing the appellants to reinstate the petitioner in any non-sensitive post as per the judgment in Ajay Kumar Choudhary's case ((2015) 7 SCC 291).

3. It appears that the respondent herein is facing a disciplinary proceedings as well as criminal proceedings consequent to a trap made by the Vigilance and Anti Corruption Department and he is still under suspension from service.

4. It is well settled as per the above decision that without extension of suspension order by assigning appropriate reasons when charge memo could not be filed within three months, the currency of suspension cannot be prolonged. It is brought to the notice of the court that in the case on hand, charge sheet is filed and Trial has commenced.

5. In the circumstances, we are of the view that if the Trial could not be concluded within three months, the respondent shall be posted in any non-sensitive post as per the ratio laid down in Ajay Kumar Choudhary case, pending disposal of the criminal case. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To

1 The Principal Secretary/
Commissioner of Revenue Administration
Chepauk Chennai-5

2 The District Collector
Collectorate Salem

3 The District Revenue Officer
and District Collector (I/c)
Collectorate Salem

+ 1 cc to Mr.S. Vijayakumar, Advocate Sr.47041

W.A.No.665 of 2017

SJ(CO)
Eu 16.08.17