

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.807 of 2017

1. The District Collector
Dharmapuri District
at Dharmapuri2. The Inspector of Police
Vigilance and Anti Corruption Department
Dharmapuri District

.. Appellants

-VS-

G.Millar

.. Respondent

Appeal under Clause 15 of the Letters Patent, against the order dated
04.11.2016 made in W.P.No.28518 of 2016.

For Appellants

::

Mr.S.T.S.Murthi

Additional Advocate General

assisted by

Mr.R.Prathapkumar

Additional Government Pleader

For Respondent

::

Mr.AR.L.Sundaresan

Senior Counsel for

Mr.N.Elumalai

JUDGMENT

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

Heard the learned counsel for the parties.

2. Aggrieved by the order of the learned single Judge, the State is before

us in this appeal questioning the correctness of the order of reinstatement
passed in favour of the respondent, pending disposal of the enquiry/criminal

case. It appears that it is a case where a trap was conducted and a charge sheet has also been filed against the respondent/accused for having demanded and accepted an amount of Rs.10,000/-. However, relying upon the judgment of the Apex Court in **Ajay Kumar Choudhary v. Union of India, 2015 (2) Scale 432**, the learned single Judge has passed an order of reinstatement of the respondent to any non-sensitive post.

3. Since the charge sheet has already been filed, the State is permitted to prosecute the respondent/writ petitioner and can move the concerned Court for early disposal of the case by framing charges within six months. If the enquiry/criminal proceeding is not concluded during that period, then the respondent/writ petitioner may be reinstated to any non-sensitive post, pending disposal of the criminal case. However, if it is held otherwise, the order of the criminal Court would take its course of action. With this observation, the writ appeal stands disposed of. Consequently, C.M.P.No.11304 of 2017 is closed. No costs.

Index : yes/no

(H.G.R.,J.)

(T.K.R.,J.)

23.08.2017

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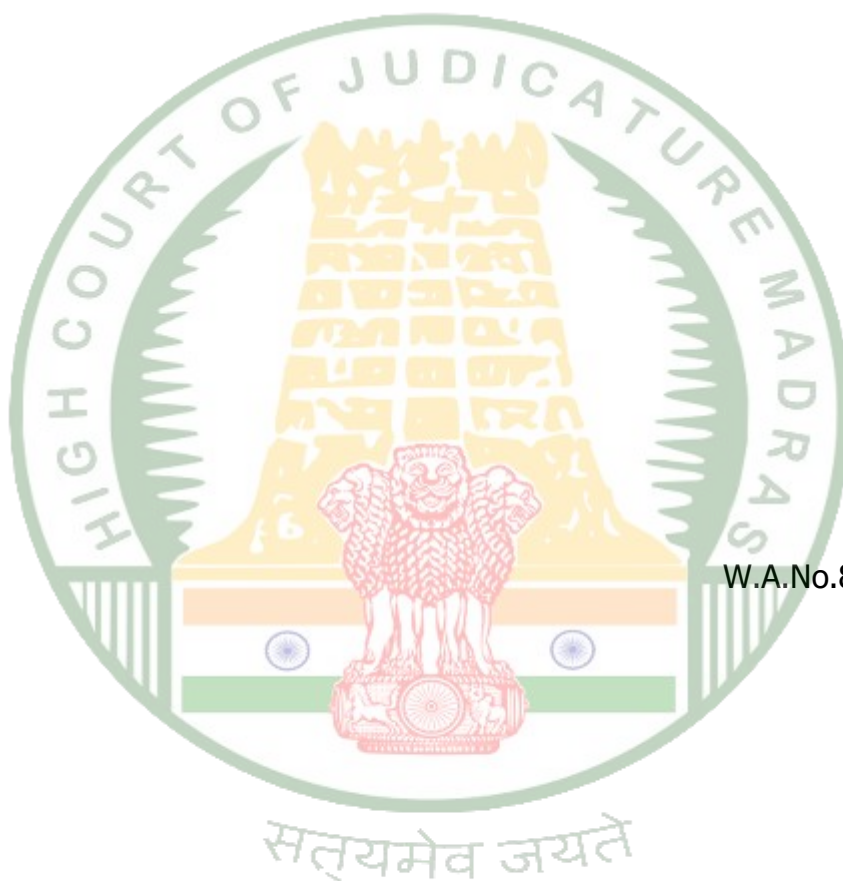
To

1. The District Collector
Dharmapuri District
at Dharmapuri

2. The Inspector of Police
Vigilance and Anti Corruption Department
Dharmapuri District

HULUVADI G.RAMESH, J.
AND
RMT.TEEKAA RAMAN, J.

SS



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