

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.883 of 2017
and
C.M.P.No.12279 of 2017

1. The Director of Survey Settlement,
Survey and Land Records,
Chepauk, Chennai 600 005.
2. The Assistant Director of Survey
and Land Records, Salem. ..Appellants/Respondents

Versus

P.Madhaiyan ..Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.10.2016 passed in W.P.No.35496 of 2016 on the file of this court. Writ petition filed under Article 226 of the constitution of India, praying for issuance of a writ of certiorarified Mandamus to call for the records on the file of the 2nd respondent in his Roc.No.3036/ 2015/A3 dated 09.05.2015 and consequential order in Na.Ka.No.A5/ 3036/2015 dated 11.02.2016 and quash the same and consequently direct the respondent to reinstate the petitioner into service with continuity of service and all other attendant benefit

For appellants : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For RR1 and 2 : Mr.A.Prakash for
Mr.R.Saseetharan

JUDGMENT

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

Heard the learned Special Government Pleader appearing for the appellant and the learned counsel appearing for the respondent.

2. The writ appeal challenges the order passed by the learned Single Judge directing the appellant to reinstate the

respondent herein, who is facing a criminal prosecution under the provisions of Prevention of Anti Corruption Act and thereupon placed under suspension, in any non-sensitive post in the light of the decision in AJAY KUMAR CHOUDHARY v. UNION OF INDIA ((2015) 7 SCC 291).

3. It is brought to our notice that the writ petitioner caught red handed while getting bribe and in the criminal case, charges are said to have been framed and the Trial has commenced.

4. In the circumstances of the case, in modification of the order passed by the learned single Judge, we hold that it is for the appellants to proceed with the Trial of the criminal prosecution and conclude the same within a period of another three months from the date of receipt of a copy of this judgment or in the event of non-conclusion of the criminal prosecution within the time stipulated above, the respondent herein shall be posted in any non-sensitive post in the light of the decision in Ajay Kumar Choudhary's case cited supra. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Director of Survey Settlement,
Survey and Land Records,
Chepauk, Chennai 600 005.

2. The Assistant Director of Survey
and Land Records, Salem.

+ 1 cc to MR.R. Saseetharan, Advocate SR.78471

+ 1 cc to Government Pleader Sr.78301

W.A.No.883 of 2017

RSI (CO)

EU (12/12/2017)