

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.05.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12222 of 2017

and W.M.P.Nos.13021 to 13023 of 2017

- L. Jesurajan .. Petitioner
Versus
1. The Deputy Inspector General of Police,
Vellore Range,
Vellore District.
2. The Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Vigilance and Anti Corruption Department,
Tiruvannamalai District. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari-Fied-Mandamus, to call for the records relevant to the order in Na.Ka.No.H.1/20253/16 dated 03.04.2017 passed by the second respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the first respondent to reinstate the petitioner into his service with effect from 21.09.2016 with all back wages.

For Petitioner : Mr.S.T.Natramil Kaviarasan

For Respondents 1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The writ petitioner has challenged the order passed by the second respondent placing the petitioner under suspension. The writ petitioner was holding the post of Sub-Inspector of Police and placed under suspension by proceedings dated 22.09.2016. As against the order of suspension the writ petitioner filed W.P.No.4449 of 2017, which was disposed of directing the Deputy Inspector General of Police to consider and dispose of the writ

petitioner's representation dated 27.12.2016 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

2. Pursuant to the said order of this Court, the matter was taken up and the second respondent passed an order on 03.04.2017 which is impugned in this writ petition.

3. The request of the petitioner for revocation of suspension is rejected on the ground that a criminal case is pending against the petitioner under Section 7 and 13(2) r/w 13 (1) (d) of Prevention of Corruption Act r/w 109 IPC. The case relates to the demand and acceptance of the corruption and the criminal case is pending for trial. The learned counsel appearing for the writ petitioner contended that as per the judgment of the Hon'ble Supreme Court of India in the case of Ajaykumar Choudry v. Union of India, reported in 2015 (1) SCALE 432, the suspension order should not be extended beyond the period of three months. But, such a limited duration of suspension is not applicable for the cases involving corruption. The Government employees booked under the Prevention of Corruption act has to be dealt with, iron hands and no leniency can be shown in favour of any corrupt public servant. The Hon'ble Supreme Court in a number of decisions, held that the leniency cannot be shown to the public officials who are indulging in corrupt practices. Such being the legal principles laid down by the Supreme Court as well as this Court, the present writ petition, questioning the rejection of the representation of the petitioner seeking revocation of suspension, need not be entertained.

4. Accordingly, the writ petition deserves no consideration at the outset and stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

1. The Deputy Inspector General of Police,
Vellore Range,
Vellore District.
2. The Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Vigilance and Anti Corruption Department,
Tiruvannamalai District.

+lcc to Mr.S.T.Natramil Kaviarasan, Advocate, S.R.No.37065

W.P.No.12222 of 2017

NM(CO)
RS(02/06/2017)



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