

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13816 of 2017

B.Gunasekar

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Backward Classes, Most Backward Classes
and Minorities Welfare Department,
Fort, St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner,
Directorate of Backward Classes Welfare,
Ezhilagam Annex Building II Floor,
Chepauk, Chennai - 600 005.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARI FIED MANDAMUS, calling for the records pertaining to the impugned order passed by the first respondent in Government letter No.7516/Ci.Na.Aa.Pi/2016-2, dated 03.04.2017, quash the same and direct the first respondent to revoke the order of suspension and reinstate the petitioner into services in any post in consonance with the principles laid down by the Hon'ble Supreme Court in Ajay Kumar Choudary Vs. Union of India and others reported in (2015) 3 CTC 119 SC and by this Court in K.Selvamani Vs. State of Tamil Nadu reported in 2017 (1) CTC 795.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.K.Dhananjeyan
Special Government Pleader

O R D E R

Heard Mr.R.Subramanian, learned counsel appearing for the petitioner and Mr.K.Dhananjeyan, learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage.

2.The order of suspension passed by the first respondent in letter No.7516/Ci.Na.Aa.Pi/2016-2, dated 03.04.2017 is under challenge in this Writ Petition.

3.On a perusal of the order, this Court is able to find that the reinstatement sought for by the writ petitioner has been rejected. In other words, the writ petitioner has submitted an application to reconsider the order of suspension which was issued in G.O.(2D).No.8, Backward Classes, Most Backward Classes and Minorities Welfare (MWRU) Department, dated 11.03.2015. The Government reconsidered the issue and passed an order under proceedings dated 03.04.2017, rejecting the same. Challenging the said order, the present Writ Petition is moved.

4.The writ petitioner was placed under suspension in G.O. (2D).No.8, Backward Classes, Most Backward Classes and Minorities Welfare (MWRU) Department, dated 11.03.2015, on the ground that he was trapped by the Vigilance and Anti-corruption Department and was arrested on 25.02.2015 in the Office of the District Backward Classes and Minorities Welfare, Ariyalur for having received a bribe of Rs.18,000/- from Thiru. Santhosh, Hostel Warden, Government Boys Hostel (BC), Sripuranthan, Ariyalur District, through one Thriu.M.Mani, Hostel Warden, Government Boys Hostel (BC), Suthamalli, Udayarpalayam Taluk, Ariyalur District. Accordingly, the writ petitioner and one Mr.M.Mani were arrested and remanded on 26.02.2015 at Ariyalur. A Criminal Case was also registered under the provisions of Vigilance and Anti-Corruption Act and the criminal case is pending.

5.During the pendency of the criminal case, the writ petitioner filed a Review Petition before the Government to review the order of suspension and for reinstatement. The Government considering the gravity of the allegations, rejected the same. As against the said rejection order, the present writ petition is filed.

6.The order of suspension is not challenged in this writ petition and therefore, the consideration lies only on the rejection of the review application. More so, the allegations against the writ petitioner are relating to the receiving of bribe of Rs.18,000/- from one Santhosh, Hostel warden and the case was registered under the provisions of Vigilance and Anti-corruption Act. This Court cannot show any leniency in the matter of corruption and corruption is a menace affecting the very growth of this great nation. The corrupt activities ought to be dealt with iron hand. Thus, the Courts can never and ever show any leniency or indulgence in cases relating to corruption. It is rather a disease already spread over affecting the very morale and development of our mother Nation.

7.Thus, this Court is of the firm view that the corrupt officials in this country have to be punished with greater sense and they should not be allowed to escape from the clutches of law. Such being the view adopted by this Court and considering the intolerable activities of corruption spread over in the society, this Court is not inclined to entertain such type of cases. The case on hand is one such case, where the writ petitioner was trapped for receiving the bribe amount of Rs.18,000/-. This Court is not inclined to go into the merits and demerits of the case. However, prima facie allegation is spelt out in the order of suspension, and the nature of allegations relates to the alleged corruption. Thus, it is left open to the writ petitioner to prove his innocence before the enquiry and before the criminal Court. But, at this stage, this Court is not inclined to consider either for revocation of suspension, or this Court finds any infirmity in the order of rejection, rejecting the review application filed by the writ petitioner.

8.In this view of the matter and considering the factum of this case, this Court is not inclined to consider the other grounds raised in this Writ Petition. Accordingly, the Writ Petition stands dismissed. However no order as to costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ah/cgi

To

1. The Secretary,
The Government of Tamil Nadu,
Backward Classes, Most Backward Classes
and Minorities Welfare Department,
Fort, St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
Directorate of Backward Classes Welfare,
Ezhilagam Annex Building II Floor,
Chepauk, Chennai - 600 005.

+lcc to M/s.R.Subramanian, Advocate in sr.no.48290

+lcc to Government Pleader in sr.no.49384

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NR 08/08/2017