

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2423 of 2017
and
W.M.P.No.2397 of 2017

U.Mohan Raj

... Petitioner

Vs.

1. Inspector General of Registration,
Chennai - 600 028.

2. The Deputy Inspector-General of Registration,
Cuddalore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorarified mandamus, calling for the records of the 2nd respondent relating to the order in Pro.No.71/A/2016-1 dated 08.01.2016 to quash the same and to issue consequential direction to the respondents to reinstate the petitioner in service.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader.

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner while working as an Assistant in the Office of the Sub Registrar, Vadalur, on deputation, was said to have demanded and accepted illegal gratification of Rs.10,000/- and he was trapped and arrested on 06.01.2016 in connection with the case in Crime No.1 of 2016 registered by Vigilance and Anti-Corruption Unit, Cuddalore for the alleged commission of offence under Sections 7 and 13(i)(d) r/w 13(2) of Prevention of Corruption Act, 1988. The second respondent has placed the petitioner under deemed suspension on 08.01.2016 and challenging the legality of the same, the petitioner has come forward to file this writ petition.

3. Mr.M.Ravi, learned counsel appearing for the petitioner has drawn the attention of this Court to the judgment rendered by the Hon'ble Supreme Court of India in Ajay Kumar Choudhary Vs. Union of India and Others [(2015) 7 SCC 291] wherein, it has been held that currency of suspension order should not exceed beyond three months if within this period the memorandum of charges/charge sheet is not served on the delinquent officer/employee and if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for extension of suspension and admittedly neither charge memo nor charge sheet is filed in the criminal case and as such, the order of suspension passed against him is to be revoked and prays for appropriate orders.

4. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents would contend that the petitioner was arrested in connection with the offence involving moral turpitude and in public interest, he should be kept out of service at least temporarily and since the impugned order is a deemed suspension, unless and until it is reviewed by the Competent Authority, the petitioner cannot revoke the order of suspension and prays for dismissal of the writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. The Personal and Administrative Reforms Department of the Government of Tamil Nadu has also issued instructions after taken note of the above cited judgment in M.S.No.43/N/2015-13 dated 26.04.2016.

7. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 08.07.2016 in accordance with law and pass orders after taking note of the above cited judgment as well as the Administrative instructions, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

8. The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. Inspector General of Registration,
Chennai - 600 028.

2. The Deputy Inspector-General of Registration,
Cuddalore.

+1cc to Mr.M. Ravi, Advocate, S.R.No.6595

+1cc to the Government Pleader, S.R.No.6423

sv(CO)
md(01/03/2017)

Writ Petition No.2423 of 2017

सत्यमेव जयते
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