

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.25972 of 2017

S.Govindarajan

...Petitioner

Vs.

1.The Additional Chief Secretary
Commissioner of Revenue Administration
Chempauk, Chennai - 5.

2.The District Collector
Salem.

3.The District Revenue Officer
Salem.

...Respondents

PETITION filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records relating to the third respondent vide Na.Ka.No.20/2014/A2 dated 03.06.2016 and to quash the same and consequently direct the second respondent to revoke the order of suspension dated 26.07.2014 and reinstate the petitioner in service.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.K.Rajendraprasad

Government Advocate [For R1 to R3]

ORDER

The present writ petition is filed against the order of prolonged suspension dated 03.06.2016 passed on 26.07.2014.

2.The learned counsel appearing for the writ petitioner submitted that the petitioner joined as Record Clerk in the Revenue department through employment exchange on 05.02.1985 at Salem and promoted to the post of Junior Assistant on 01.10.1992. After a period of three years, he was promoted to the post of Assistant on 10.11.1995 and promoted as Deputy Tahsildar on 06.12.2007 in Salem district. While he was serving as Deputy Tahsildar, he was further promoted on 07.08.2012 to the post of Tahsildar, N.H. [Land Acquisition], Atthur and again he was posted on 24.09.2012 as Special Tahsildar, SSS, Valapadi, Salem district.

3.While coming to know that certain irregularities were noticed in disbursing the benefits under Social Welfare Scheme by the Government of Tamil Nadu, the petitioner is said to have submitted a report to the second respondent herein/ District Collector, Salem in letter No.1/14 dated 21.07.2014 alleging that 11 cheques kept in office were utilized by Mr.Ravichandran, who is the Revenue Assistant, for disbursement of benefits to fictitious beneficiaries, which is contrary to G.O.Ms.No.9, Revenue Department dated 06.1.2012.

4.Since, he has detected the irregularity act of the Revenue Assistant Mr.Ravichandran and submitted a report to the high authorities, he was issued with a memo for dereliction of duty in monitoring the disbursement of the funds to the beneficiaries under the Social Welfare Scheme. Pursuant to that, he was suspended from service by the second respondent.

5.Consequently, an FIR was also filed on 28.07.2014 for the alleged offence under Sections 409, 419, 465, 468, 471, 477[B, 420, 120 [B] of IPC, along with the said Mr.Ravichandran, who is the Revenue Assistant on the file of the Judicial Magistrate, Salem. Having waited for a long time he has submitted a representation for revoking the suspension order. Finding no response, the writ petitioner filed a Writ Petition in W.P.No.3358 of 2016 seeking writ of Mandamus, directing the second respondent to consider and pass orders on the representation dated 18.11.2015 and to review the order of suspension. But the third respondent has rejected the same which is under challenge in this writ petition.

6.When the writ petition came up for admission on 05.10.2017, Mr.K.Rajendraprasad, learned Government Advocate took notice on behalf of the respondents. Today, on instructions, it is submitted by the learned Government Advocate that the petitioner has not been issued with a charge memo that shows that only on the basis of the pending criminal case before the Judicial Magistrate Salem for the offences under Sections 409, 419, 465, 468, 471, 477(A), 420, 120(B) of IPC, he has been placed under suspension and without reviewing the order, the respondents cannot continue the prolonged suspension.

7.The law laid down in the case of Ajaykumar Choudhary Vs. Union of India also deprecate the prolonged suspension.

8.Admittedly in the present case, since there is no charge memo issued, the respondents are directed to revoke the order of suspension and place him in any non-sensitive post, within a period of two weeks from the date of receipt of a copy of this order.

9.With this above direction, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

may

To

1.The Additional Chief Secretary
Commissioner of Revenue Administration
Chepauk, Chennai - 5.

2.The District Collector
Salem.

3.The District Revenue Officer
Salem.

+ 1 cc to Mr.S.Vijayakumar Advocate,SR.73657

+ 1 cc to The Govt.Pleader, SR.73737

W.P.No.25972 of 2017

RK(CO)
NR 20/11/2017



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