

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2710 of 2017

C.Sathiya

... Petitioner

Vs.

1.The District Collector,
Vellore District.

2.The Sub Collector,
Thiruppathur Division, Vellore District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the representation dated 05.01.2017 made by the petitioner within stipulated time period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

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

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner, while working as Village Administrative Officer, Mittalam Village, I/C Chinnavarikam Village, Vellore District, was said to have been involved in the commission of the offences punishable under the provisions of the Prevention of Corruption Act, 1988 and in this regard, a case was also registered by the jurisdictional Vigilance and Anti Corruption Department and he was arrested and later, enlarged on bail.

3.The learned counsel appearing for the petitioner would submit that the petitioner went to prevent illicit sand mining and with an oblique motive, he is falsely implicated in the criminal case and he has nothing to do in the criminal case. The learned counsel appearing for the petitioner, in support of his submission, places reliance upon the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs. Union of India through its Secretary and another [(2015) 7 Supreme Court Cases 291] and

prays for revocation of the order of suspension.

4.Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that since the petitioner has involved himself in the commission of offence of moral turpitude, he was placed under deemed suspension and as a matter of right, he cannot plead revocation of suspension and invited the attention of this Court to the Administrative Letter (MS) No.43/N/2015-13 dated 26.04.2016 issued by the Personnel and Administrative Reforms Department and prays for dismissal of the Writ Petition.

5.This Court has carefully considered the rival submissions and perused the records placed before it.

6.Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 05.01.2017 in accordance with law in the light of the above cited judgment as well as the Administrative Letter (MS) No.43/N/2015-13 dated 26.04.2016 issued by the Personnel and Administrative Reforms Department and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision take, to the petitioner.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Vellore District.

2.The Sub Collector,
Thiruppathur Division,
Vellore District.

+lcc to Mr.T. Sundaravadanam, Advocate, S.R.No.7158
+lcc to the Government Pleader, S.R.No.7467

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