

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19551 of 2017

M.Ayyanar

...Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Revenue Department, Secretariat, Chennai-9.
- 2.The Commissioner of Revenue Administration,
Ezhilagam, Chepak, Chennai-5.
- 3.The Revenue Tahsildar,
Gingee Taluk, Villupuram District.Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in Rc.No.A3/364/2017 dated 29.01.2017 on the file of 3rd respondent and quash the same and consequently directing the 3rd respondent to revoke the suspension order and reinstate me in the same service and same place wherein I worked before suspension.

For Petitioner : Mr.V.Arunagiri

For Respondent : Mr.C.C.Rangarajan, Government Advocate

ORDER

The order of suspension dated 29.01.2017 is impugned in this writ petition. The writ petitioner who was holding the post of Village Assistant, Vadatharam Village, Vallam Firka, Gingee Taluk, Viluppuram District has been trapped and arrested on 13.10 hours on 20.01.2017 by the Villuppuram District Vigilance and Anti-Corruption Department for accepting a bribe amount of Rs.1800/- from one Thiru.V.Shanmugam S/o.Veerasley, No.264, Mariyamman Koil Street, Thiruvampattu Village and Gingee Taluk, Viluppuram District, seeking a cheque for Rs.12,500/- granted by the Government, as funeral expenses. A Criminal case was also registered by the Department of Vigilance and Anti-Corruption in Crime No.2/2017 under Section 8 and 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. The writ petitioner was arrested on 20.01.2017 and was detained at Sub-Jail at Villuppuram for fifteen days till 03.02.2017. It is stated that the case against the writ petitioner is under investigation.

2. Under these circumstances, it is not preferable to revoke the order of suspension.

3. The Learned counsel appearing for the writ petitioner would contend that the order of suspension was issued on 29.01.2017 and even

after 90 days, no Charge Memo has been filed and the departmental proceeding is not in progress. Thus, the order of Suspension is to be revoked. Such an argument cannot be accepted, in view of the fact that the writ petitioner was arrested and was in judicial custody for 15 days for the alleged acceptance of the bribe amount of Rs.1800/-, more specifically to grant the funeral expenses, granted by the Government. The nature of the allegation is very serious and this Court is of the opinion that the Village Assistant is receiving the bribe to release the fund granted by the Government for funeral expenses, is intolerable and such a type of corruptive activities by the public servant is to be dealt with iron hand and no leniency can be shown by this Court.

4. The writ petitioner, being a Village Assistant, is duty bound to release the funeral expenses to the poor families. On perusal of such an allegation, this Court with pain, observes that any public servant who received bribe to release the funeral expenses, is a heartless person and more so, he is having no respect towards the Society and the fellow citizens of this great nation. A corruption has gone to the extent of reaching the dead body in the burial ground and this Court is unable to tolerate such activities of the public servants and all the Officials in this

regard is to be directed to be vigilant, if any such instances are found. Thus, public servants are to be dealt with hard-heart without showing any mercy. Thus, the allegation against the writ petitioner stated in the order of suspension is very serious and this Court is not inclined to show any leniency in such matters and accordingly, the writ petition deserves no further consideration at all.

4. Accordingly, the writ petition stands dismissed. No costs.

31.07.2017

Index: Yes/No
Internet: Yes/No

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To

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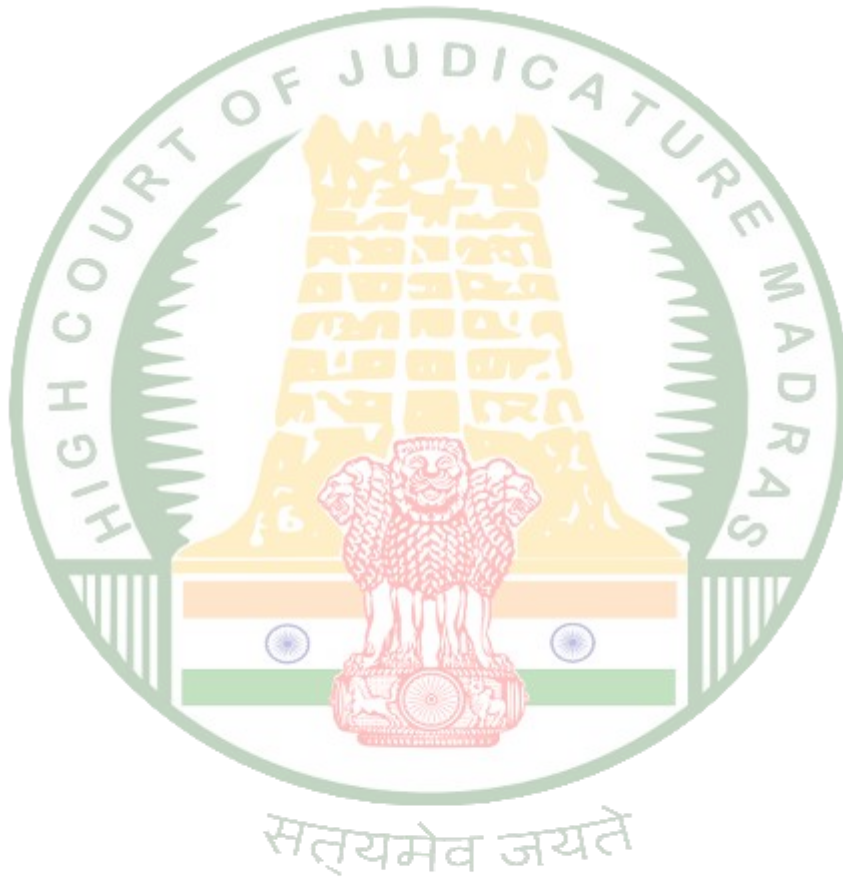
S.M.SUBRAMANIAM.,J
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