

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5297 of 2016 & W.M.Nos.4633 & 4634 of 2016

K.Sadhasivam ... Petitioner

Vs.

- 1.The Additional Chief Secretary cum
Commissioner of Revenue Administration,
Revenue Department, Chepauk, Chennai-5.
- 2.The District Collector, Collectorate,
Namakkal District, Namakkal.
- 3.The District Revenue Officer, Collectorate,
Namakkal District, Namakkal.
- 4.The Revenue Divisional Officer,
Opposite: Government Hospital,
Namakkal, Namakkal District. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating the proceedings dated 30.01.2016 in Roc.No.5099/2013/A1 passed by the 4th respondent, quash the same and direct the 4th respondent herein to reinstate the petitioner in service with all service and monetary benefits till date.

For Petitioner : No appearance

For Respondent : K.Dhananjayan for
R1 to R4,
Special Government

Pleader

O R D E R

The petitioner was initially appointed as a Village Administrative Officer on 11.08.1982 and he was posted as such at Pottireddipatty and also in charge of Kejakombai Village, Namakkal District. The writ petitioner was placed under suspension on account of trap proceedings conducted on 28.06.2013, based on the complaint given by one C.Kadirvelu, S/o. Chidambaram regarding the allegation of demand of illegal gratification for Rs.3,500/-. A criminal case was registered against the writ petitioner by the Department of Vigilance and Anti Corruption in Cr.No.4/AC/2013/NK, dated 28.06.2013. On account of the registration of the criminal case under the provisions of the Vigilance and Anti Corruption Act, the writ petitioner was placed under suspension by the fourth respondent vide order dated 29.06.2013. Challenging the order of suspension dated 29.06.2013, the writ petitioner earlier filed a writ petition in W.P.No.32809 of 2015 and the Court passed an order on 14.10.2015, as follows:

"7.Though the petitioner has 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 either in his representation or in this writ petition, directs the fourth respondent to consider and dispose of the petitioner's representation dated 18.08.2015 on merits and in accordance with law, in the light of the above cited judgment and pass orders 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."

2.Pursuant to the order passed by the Court, the representation of the writ petitioner dated 18.08.2015 was considered by the Sub-Collector, Namakkal District and an order was passed in proceedings dated 30.01.2016. On perusal of the order, it is clear that the writ petitioner was arrested and a criminal case was registered by the Department of Vigilance and Anti Corruption. The grounds raised in the representation was considered by the fourth respondent in detail and they have rejected the

representation for revocation of suspension and accordingly, the present writ petition is moved by the writ petitioner.

3.The fact remains that the writ petitioner was placed under suspension on account of the allegation of demand of illegal gratification and a criminal case was registered by the Vigilance and Anti Corruption Department and the matter is under investigation. Thus, the decision taken by the Department for not revoking the order of suspension is in order and there is no infirmity. At this juncture, it is not preferable to revoke the order of suspension, since the allegation against the writ petitioner is relating to the demand of bribe. Thus, this Court is not inclined to consider the grounds raised in this writ petition.

Accordingly, this writ petition stands dismissed. However, no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

abr

To

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

2.The District Collector, Collectorate,
Namakkal District, Namakkal.

3.The District Revenue Officer, Collectorate,
Namakkal District, Namakkal.

4.The Revenue Divisional Officer,
Opposite: Government Hospital,
Namakkal, Namakkal District.

+1cc to Government Pleader sr.62384

W.P.No.5297 of 2016 &
W.M.Nos.4633 & 4634 of 2016

sv(co)

ss(25/9/2017)