



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD)No.445 of 2016

and

C.M.P. (MD)No.3183 of 2016

The Commissioner,
Trichy City Corporation,
Trichy City

... Appellant

Vs.

K.Srinivasan

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, against the order dated 27.08.2009 made in W.P.(MD)No.8130 of 2009 on the file of this Court.

Prayer in WP(MD). 8130/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondent herein in his proceedings Na.Ka.no. C3/7297/07(Central)dated 25/07/2007 and quash the same consequently direct the respondent to reinstate the petitioner into service

For Appellant

: Mr.J.Parekh Kumar

For Respondent

: Mr.M.Saravana Kumar

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

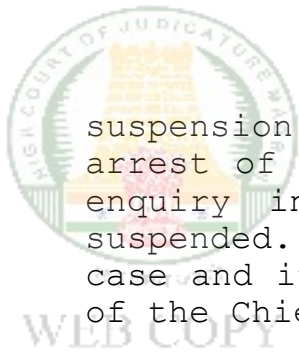
This Writ Appeal is directed against the order dated 27.08.2009 made in W.P.(MD)No.8130 of 2009 filed by the respondent herein.

2.The respondent herein was working as Junior Engineer in Tiruchirapalli Corporation. He was implicated in a corruption case. He was arrested and released on bail in Crime No.12/2007. He was therefore suspended by order dated 25.07.2007. Since the suspension was not revoked even after filing of the charge sheet in the said criminal case, he filed W.P.(MD)No.8130 of 2009, challenging the order of suspension and seeking reinstatement.

3.The learned Judge by order dated 27.08.2009, allowed the writ petition. Aggrieved by the same, the Trichy Corporation has filed the present Writ Appeal.

<https://hcservices.ecourts.gov.in/hcservices/>

4.It is true that the writ petitioner was suspended, in view of his arrest in a corruption case. It is true that the order of



suspension dated 25.07.2007 is to the effect that in view of the arrest of the writ petitioner in a corruption case and for holding enquiry into the grave charges, the writ petitioner was being suspended. It is also true that final report was filed in the said case and it was also taken on file in S.C.No.4 of 2008 on the file of the Chief Judicial Magistrate, Tiruchirappalli.

5.The learned Judge had taken the view that when suspension is made following the registration of the criminal case, it need not be continued after filing of the charge sheet. This view is completely erroneous.

6.The Hon'ble Supreme Court has held that a public servant implicated in a corruption case may not be allowed to re-enter service without clearing his name. In the present case, when the writ petition was filed, the criminal case was very much pending. Mere filing up the charge sheet cannot be a ground to revoke the suspension order. In fact, the filing of the charge sheet reinforced the case against the public servant. The order allowing the Writ Petition is patently unsustainable and is therefore set aside.

7.The Writ Appeal stands allowed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.P.SRINIVAS Advocate in SR. No. 75211

+1cc to Mr.M.SARAVANAKUMAR Advocate in SR. No. 74945

RMI

JS/JC/SAR.4/19.09.2017/2P-3C

JUDGMENT MADE IN
W.A. (MD) No.445 of 2016
24.08.2017