

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5028 of 2018

M.Ravichandran .. Petitioner

-vs-

1. The Additional Chief Secretary/
Commissioner of Revenue Administration
Chepauk
Chennai 600 005
2. The District Collector
Salem
3. The District Revenue Officer
Salem .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent vide Na.Ka.No.20/2014/A2 dated 26.7.14 and to quash the same and consequently direct the second respondent to reinstate the petitioner in service.

For Petitioner :: Mr.S.Vijayakumar

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition is directed against the impugned order of suspension passed against the petitioner nearly four years ago on 26.7.2014 under Rule 17(e)(i) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

2. Learned counsel for the petitioner submitted that when the petitioner was serving as Assistant, the District Collector, Salem came to know about certain irregularities in disbursement of the benefits under the Social Security Scheme announced by the Government of Tamil Nadu. But the petitioner is not the competent authority for disbursement of the benefits under the Social Security Scheme, as the G.O.Ms.No.9, Revenue Department

dated 6.1.2012 clearly says that the Tahsildar alone is vested with the power under the said government order to issue the cheques. While so, one Mr.Govindarajan, Special Tahsildar, who was deputed to attend the election duty in March, 2014, had handed over the cheques to one Mr.J.Baskar, Data Entry Operator on 3.2.2014 and this could be also seen from the statement furnished by the State Bank of India, Vazhapadi. However, the Data Entry Operator Mr.J.Baskar, misusing the authority given by the Special Tahsildar Mr.Govindarajan, encashed the cheques, which were subsequently noticed, and the Tahsildar also obtained a statement from the said Mr.J.Baskar, who also, in his statement, admitted the guilt. Since the said Mr.J.Baskar fairly admitted the guilt, it is not known how the petitioner can be held responsible. Instead of proceeding against the said Mr.J.Baskar, the respondents cannot proceed against the petitioner. Secondly, when the suspension order was passed way back on 26.7.2014, even after nearly four years, the respondents have not come forward to review the same. That also shows that the impugned order of suspension is vitiated, in the light of the ratio laid down by the Apex Court in Ajay Kumar Choudhary v. Union of India through its Secretary and another, (2015) 7 SCC 291 holding that the prolonged suspension is bad in law.

3. The learned Special Government Pleader for the respondents submitted that it is not known whether the petitioner has connived with the said Mr.J.Baskar and that should be examined.

4. It is not known how the respondents till date have not examined the same even after a lapse of nearly four years from the date of the petitioner's suspension. Secondly, when the said Mr.J.Baskar himself came forward and gave his written statement on 23.7.2014 claiming responsibility for the entire charge, the respondents should have considered the representation made by the petitioner, which has not been done. Therefore, in the light of the ratio laid down by the Apex Court in Ajay Kumar Choudhary v. Union of India through its Secretary and another, (2015) 7 SCC 291 holding that the prolonged suspension is not permissible in law, this Court is inclined to interfere with the impugned order. Accordingly, the impugned order is set aside and the respondents are directed to reinstate the petitioner in service within a period of two weeks from the date of receipt of a copy of this order. The writ petition stands allowed. Consequently, W.M.P.No.6206 of 2018 is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Additional Chief Secretary/
Commissioner of Revenue Administration
Chepauk
Chennai 600 005

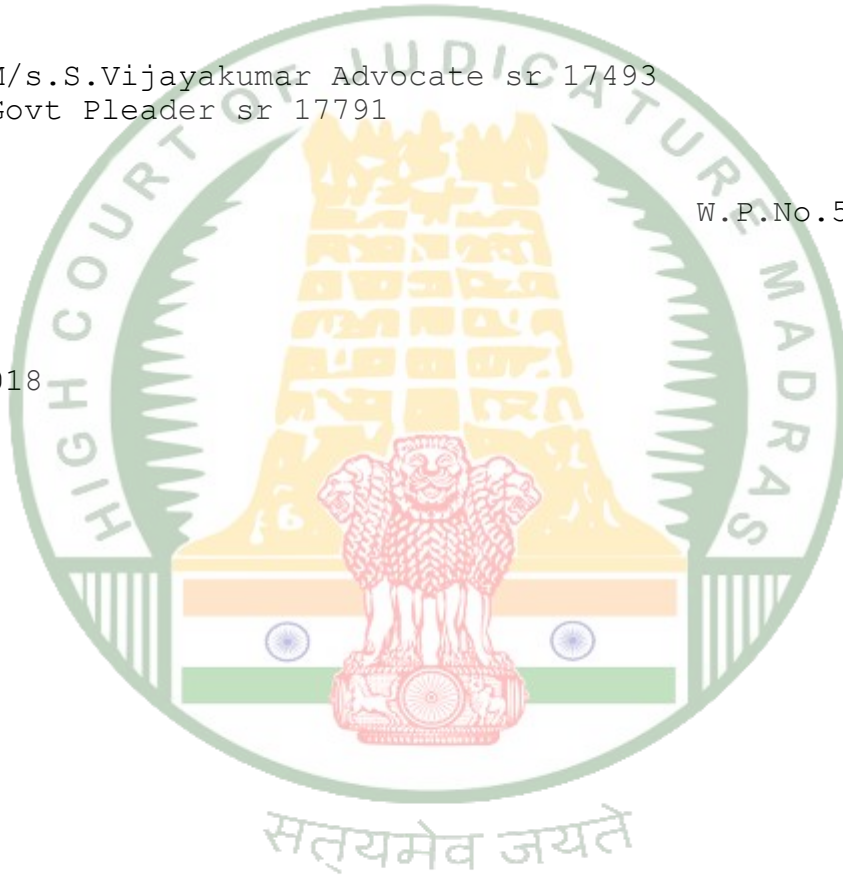
2. The District Collector
Salem

3. The District Revenue Officer
Salem

+1 cc to M/s.S.Vijayakumar Advocate sr 17493
+1 cc to Govt Pleader sr 17791

W.P.No.5028 of 2018

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