

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.13294 of 2015

P.Sundarapandian

... Petitioner

Vs

The Transport Commissioner,
Chepauk, Chennai-5.

.... Respondent

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent in connection with the impugned order passed by him in Proc.R.No.24533/VA1/2011 dated 19.04.2011 and R.No.24533/VA1/2011 dated 01.04.2015 and quash the same and direct the respondent to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel for
Mr.M.Muthappan

For Respondent : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

O R D E R

This Writ Petition has been filed challenging the order of suspension passed by the Transport Commissioner/respondent in Proc.R.No. 24533/VA1/2011 dated 19.04.2011 placing the petitioner under suspension under sub-Rule [e] of Rule 17 of the Tamil Civil Services [Discipline & Appeal] Rules with a further direction that he will be paid with subsistence allowance and dearness allowance as admissible under Rule 53[1] of Fundamental Rules.

2.Heard the parties on both sides.

3.Learned Senior Counsel appearing for the petitioner submitted that a false criminal case was registered in Crime No.100 of 2001 on 10.05.2011 on the file of the City Crime Branch, Sub Urban Police, Chennai, based on the complaint preferred by the Transport Officer, Meenambakkam, Alandur, Chennai-16, for offences under Section 405, 451, 420 and 457 of IPC. Immediately thereafter, the petitioner was placed under suspension on 19.04.2011 for the alleged delinquency. Since there was a long delay in filing a charge sheet, the petitioner filed Crl.O.P.No.4424 of 2012, seeking direction of this Court under Section 482 of Cr.P.C., to the respondent to file charge sheet at the earliest point of time. This Court, by order dated 24.02.2012, directed the respondent therein to expedite the investigation and file the final report at the earliest. Since there was no response, the petitioner again came before this Court with another Crl.O.P.No.19546 of 2014 under Section 482 of Cr.P.C., in which this Court, by order dated 25.07.2014, directed the respondent therein to conclude the investigation in Crime No.100 of 2011 and a file a final report within a period of three months. Subsequently, charge sheet has been filed. But, trial has not been commenced. Therefore, it is a fit case for revoking the order of suspension, he pleaded.

4.Learned Senior Counsel further submitted that the petitioner has been paid with subsistence allowance without assigning any work for the last seven years and that prolonged suspension cannot be permitted to continue. Therefore, in order to extract work from the petitioner, the prolonged order of suspension may be revoked, by posting the petitioner in any non sensitive post.

5.Concluding his arguments, learned Senior Counsel referring to Annexure-III enclosed along with the charge sheet submitted that document listed as serial number 5 shows list of R.C.bogus entries signed by Sundarapandian alone running from pages 1 to 103 which has finally paved the way for passing the suspension order. But, in the case of Mohandasss, who is his co-delinquent has also made bogus entries, which are running from pages 1 to 575. But, no order of suspension has been passed against the said Mohandass.

6.This Court, taking note of the contention made by the learned Senior Counsel appearing for the petitioner that when more bogus entries were issued by Mohandass has not been suspended, directed the learned Special Government Pleader to take instructions for the reason that the said Mohandass, who has issued bogus certificates more than the petitioner, has not been placed under suspension and no action was taken against him, has given cause of action for the petitioner to come before this Court seeking revocation of suspension.

7.After taking instructions, the learned Special Government Pleader submitted that Mohandass also placed under suspension by order dated 28.02.2018.

8.In that view of the matter, since the respondent has taken action equally against the co-delinquent Mohandass also, this Court is not inclined to entertain this Writ Petition as the petitioner joining hands with the said Mohandass, issued hundreds of bogus certificates causing huge loss to the Government.

Therefore, the Writ Petition fails and it is dismissed.
No costs.

Sd/-
Assistant Registrar(CS V)
//True Copy//
Sub Assistant Registrar

gya

To
The Transport Commissioner,
Chepauk, Chennai-5.

+1 cc to Mr.Muthappan Advocate sr 16185

W.P.No.13294 of 2015

aa11/04/2018

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