

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28901 of 2017

E.Sankar

.. Petitioner

..Vs..

1.The Assistant Director of Survey
and Land Records,
Villupuram District,
Villupuram.

2.The District Collector,
Collectorate,
Villupuram.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of suspension passed by the first respondent in R.c.No.B2/3387/2017 dated 1.6.2017 and quash the same and consequently, direct the respondents to reinstate the petitioner with all service and monetary benefits.

For Petitioner : Ms.V.S.Usha Rani

For Respondents : Mr.R.S.Selvam,
Government Advocate.

ORDER

The order of suspension issued by the first respondent in proceedings dated 1.6.2017, is under challenge in this writ petition.

2. The writ petitioner was working as a Field Surveyor attached with the Taluk Office, Gingee, Villupuram District and on account of the allegation of a demand and acceptance of bribe, a criminal case was registered by the Vigilance and Anti-Corruption Department, Villupuram in Crime No.06/2017/VPM under Section 7 of the Prevention of Corruption Act, 1988.

3. The learned Government Advocate, appearing on behalf of the respondents, states that the criminal case registered against the writ petitioner is still pending and therefore, the authorities cannot revoke the order of suspension at this point of time.

4. This Court is of an opinion that the criminal case is in relation to the corrupt activities and therefore, there cannot be any leniency in respect of dealing with the disciplinary proceedings already initiated against the writ petitioner. The order of suspension was issued on the ground that the Department of Vigilance and Anti -Corruption, Villupuram registered the criminal case against the writ petitioner under the provisions of the Prevention of Corruption Act, 1988.

5. This being the factum of the case, the case of the writ petitioner cannot be considered at this point of time and therefore, the suspension order issued by the first respondent stands confirmed. However, it is made clear that if the criminal case registered against the writ petitioner is not disposed for a long duration, then the case of the writ petitioner shall be reviewed for the purpose of revocation of suspension order. In case of revocation, the writ petitioner shall be posted in a Non Sensitive Post till the disposal of the said criminal case.

6. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Assistant Director of Survey and Land Records,
Villupuram District, Villupuram.

2.The District Collector,
Collectorate, Villupuram.

+ 1 cc to Mr.V.S. Usha Rani, Advocate Sr.72775

+1 cc to Government Pleader Sr.73074

WP No.28901 of 2017

(CS-DR)

EU(02/11/2018)