

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32372 of 2018 and W.M.P.No.37563 of 2018

P.K.Karthikeyan

.... Petitioner

Vs

- 1.The District Collector
Dharmapuri District
Dharmapuri.
- 2.The Inspector of Police
Vigilance and Anti Corruption Department
Dharmapuri, Dharmapuri District.

..... Respondents

For Petitioner : Mr.Singaravelan, Senior Counsel
for N.Elumalai

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

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records relevant to the order dated 06.01.2018 in RoC No.330/2018/A2 passed by the first respondent herein and quash the same as illegal, improper, unreasonable, arbitrary, against the principles of natural justice and thereby direct the first respondent herein to reinstate the petitioner into his service with effect from 06.01.2018 with all backwages.

O R D E R

The petitioner, who was working as Zonal Deputy Tahsildar at Karimangalam Taluk, Dharmapuri District, was suspended from service on and from 06.01.2018. One Palaniappan gave a complaint to the second respondent stating that the petitioner demanded illegal gratification from the complainant for issuance of No Objection Certificate for getting EB connection to his agricultural open well. Based on the said complaint, the first respondent suspended the petitioner vide the impugned order dated 06.01.2018. Hence, the petitioner has filed the present writ petition to quash the suspension order and to direct the respondents to reinstate the petitioner into service.

2. Learned counsel for the petitioner submits that even though the petitioner was suspended on 06.01.2018, there is no subsequent progress in the criminal case and therefore, the petitioner has submitted a representation dated 07.05.2018, seeking revocation of suspension, which was not considered by the respondents. Learned counsel for the petitioner relies on the judgment of the Supreme Court reported in CDJ 2015 SC 129 "Ajay Kumar Choudhary Vs Union of India", wherein it was held as follows,

"We, therefore, direct that the currency of a suspension order should not extend beyond three months, if within this period, the Memorandum of Charges / Charge sheet is not served on the delinquent officer / employee; if the Memorandum of Charges / Charge sheet is served, a reasoned order must be passed for the extension of suspension. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution."

3. Mr.R.S.Selvam, learned Government Advocate takes notice on behalf of the respondents and seeks time to file counter.

4. Having regard the facts and circumstances of the case and the landmark judgment of the Supreme Court cited supra, it is suffice to direct the respondents to revoke the order of suspension dated 06.01.2018, and to consider the representation of the petitioner dated 07.05.2018.

5. Accordingly, the writ petition is disposed of, directing the respondents to revoke the suspension order dated 06.01.2018, and to consider the representation of the petitioner dated 07.05.2018, in the light of the judgment of the Supreme Court, and to pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Collector
Dharmapuri District
Dharmapuri.

2.The Inspector of Police
Vigilance and Anti Corruption Department
Dharmapuri, Dharmapuri District.

+2cc to Mr.N.Elumalai, Advocate, S.R.No.84889

+1cc to the Government Pleader, S.R.No.85480

W.P.No.32372 of 2018

GSP(02/01/2019)



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