

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32496 of 2018 and W.M.P.No.37707 of 2018

K.Boominathan

....Petitioner

Vs

1.The District Collector
Thiruvarur District.

2.The District Revenue Officer
Thiruvarur District.

3.The Revenue Divisional Officer
Mannargudi, Thiruvarur District.

....Respondents

For Petitioner : Mr.S.Baskaran

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 pertaining to the impugned proceedings of the third respondent in Na.Ka.No.545/2018/Aa-1 dated 13.10.2018 and to quash the same in so far as the said impugned order has been passed without jurisdiction and authority of law and in total violation to the principles of natural justice and against the judicial pronouncement of the Honourable Apex Court and consequently to direct the respondents herein to consider the representation of the petitioner dated 06.06.2018 seeking for the revocation of the order of suspension dated 11.02.2018 passed against the petitioner by the third respondent.

O R D E R

This writ petition has been filed, seeking to quash the proceedings of the third respondent dated 13.10.2018, by which the third respondent, rejected the request of reinstatement of the petitioner into service, pursuant to his suspension on 11.02.2018, due to pending criminal proceedings against him.

2. The brief facts leading to the filing of the writ petitions is that the petitioner, who was working as Village Administrative Officer at Sekarai Village, Thiruvarur District,

was suspended from service on 11.02.2018, as he was involved in a corruption case and was detained in judicial custody. The petitioner filed W.P.No.22357 of 2018, seeking direction to the respondents to consider his representation for revocation of suspension. This Court, vide order dated 30.08.2018, directed the respondents to consider the representation of the petitioner within a period of four weeks from the date of receipt of a copy of the order. Pursuant to the same, the respondents have passed the impugned order dated 13.10.2018, rejecting the representation of the petitioner seeking revocation of suspension and reinstatement into service.

3. Learned counsel for the petitioner relies on the judgment of the Supreme Court reported in (2015) 7 SCC 291 "Ajay Kumar Choudhary Vs Union of India" and "State of Tamil Nadu Vs Pramod Kumar" reported in 2018 SCC Online SC 1079, 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."

4. Mr.R.S.Selvam, Government Advocate takes notice on behalf of the respondents and submits that charge sheet has been filed but the approval from the Vigilance and Anti Corruption Department is awaited.

4A. No reasoned order for extension of suspension has been passed.

5. Under the circumstances, following the principles laid down in the aforesaid land mark judgment of the Supreme Court, the order of suspension dated 11.02.2018 is directed to be revoked and to reinstate the petitioner in service. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Collector
Thiruvarur District.

2.The District Revenue Officer
Thiruvarur District.

3.The Revenue Divisional Officer
Mannargudi, Thiruvarur District.

+lcc to the Mr.N.Viswanathan, Advocate, S.R.No.86001

+lcc to the Government Pleader, S.R.No.86266

W.P.No.32496 of 2018

RK(CO)

rrs 28/12/2018