



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 14.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2922 of 2018

and

W.M.P. (MD) .No.3082 of 2018

G.Subash Chandra Bose

...Petitioner

Vs.

1. The Senior Regional Manager,  
O/o.The Senior Regional Manager,  
Tamil Nadu Civil Supplies Corporation,  
Thanjavur, Thanjavur District.

2. Mr.R.Sathiyamoorthy Jayaguru,  
The Enquiry Officer/Assistant Manager,  
Purchasing Section,  
Regional Office, Thanjavur,  
Thanjavur District.

... Respondents

**Prayer:** These Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to defer the departmental proceedings in Na.Ka.No.M3/1912/2013 dated 08.05.2013 and the consequential proceedings made in Na.Ka.No.M3/1912/2013 dated 28.08.2017 till the conclusion of the case in Spl.C.C.No.40 of 2014 on the file of the learned Chief Judicial Magistrate/Special Judge for Prevention of Corruption Act Cases, at Kumbakonam, Thanjavur District.

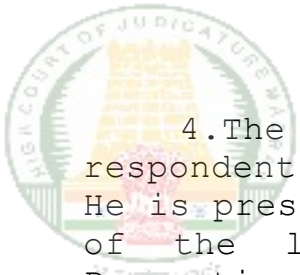
For Petitioner : Mr.A.Thiruvadikumar  
For Respondents : Mr.B.Pugalendhi  
Additional Advocate General  
Assisted by  
Mrs.S.Srimathy  
Special Government Pleader

ORDER

Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mrs.S.Srimathy, learned Special Government Pleader, takes notice on behalf of the respondents.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner and learned Additional Advocate General appearing for the respondents.



4.The Petitioner is working as Superintendent in the first respondent/Corporation. He was implicated in a corruption case. He is presently facing trial in Spl.C.C.No.40 of 2014, on the file of the learned Chief Judicial Magistrate/Special Judge for Prevention of Corruption Act Cases, Kumbakonam, Thanjavur District. He was issued with a charge memo dated 08.05.2013. The revised charge memo was issued on 28.08.2017. The charge memo is to the effect that the petitioner demanded illegal gratification from one Senthil Kumar, who is his subordinate. A look at the list of witnesses would show that the said Senthil Kumar is shown as the first witness. In the criminal case also, Senthil Kumar, figures as a star witness. The criminal case as well as the disciplinary action are founded on the same set of facts. If the petitioner is made to face the disciplinary action in the first instance, his defence in the criminal trial will be totally prejudiced. At the same time, this Court can take note of the fact that the criminal case can get prolonged. Therefore, a balance has to be struck. The Hon'ble Supreme Court in the decision reported in **2016 9 SCC 491 (State Bank of India Vs. Neelam Nag)** took the view that the departmental action can be stayed for a period of one year and that the Criminal Court can be directed to conclude the criminal trial. In the meanwhile, if the criminal trial does not conclude within a period of one year, the departmental action shall resume. This Court respectfully adopts the same course of action in this case also.

5.The learned Chief Judicial Magistrate/Special Judge for Prevention of Corruption Act Cases, Kumbakonam, Thanjavur District, is directed to conclude the criminal trial in Spl.C.C.No.40 of 2014 within a period of one year from today. The departmental action initiated against the petitioner by the first respondent/Corporation shall be kept abeyance till then. If the criminal case does not get concluded within one year from today, the order keeping disciplinary proceedings abeyance shall stand vacated automatically. The departmental action can resume thereafter.

6.This Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Senior Regional Manager,  
O/o.The Senior Regional Manager,  
Tamil Nadu Civil Supplies Corporation,  
Thanjavur, Thanjavur District.



2. The Enquiry Officer/Assistant Manager,  
Purchasing Section,  
Regional Office, Thanjavur,  
Thanjavur District.

+1cc to Mr. A.Thiruvadikumar, Advocate Sr.No. 48557

TSG

VB/RSK/SAR4/27/04/2018/3P/4C

**W.P. (MD) .No.2922 of 2018**  
**14.02.2018**