

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.3232 of 2019  
and W.M.P.No.3487 of 2019

S.Samraj ..... Petitioner

Vs

1.The District Collector  
Krishnagiri District, Krishnagiri.

2.The Inspector of Police  
Vigilance and Anti Corruption Department  
Dharmapuri - i/c, Krishnagiri  
Krishnagiri District. ....

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relevant to the order dated 26.12.2018 in Na.Ka.No.14159/2018/A1 passed by the first respondent herein and quash the same as illegal, improper, incompetent, arbitrary and ultra vires and consequently direct the first respondent to reinstate the petitioner into his service with effect from 08.06.2018 with all back wages.

For Petitioner : Mr.N.Elumalai

For Respondents: Mr.A.N.Thambidurai,  
Special Government Pleader

O R D E R

The order of rejection, rejecting the request of the writ petitioner for revocation of the order of suspension issued in proceedings dated 26.12.2018 is under challenge in the present writ petition.

2. The writ petitioner was working as Head Quarters Tahsildar and on account of the allegation of demand and acceptance of bribe, a criminal case was registered against the petitioner under the Prevention of Corruption Act. Learned Additional Government Pleader, appearing on behalf of the respondents, states that the case registered against the

petitioner under Section 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, is under investigation and the Investigating Officer is in verge of completion of the investigation and the charge sheet would be filed at the earliest possible. Thus, the writ petitioner has to face a criminal trial in respect of the criminal case registered in Crime No.4/AC/18/KG.

3. Learned counsel appearing for the petitioner states that the petitioner is under suspension for a prolonged period and therefore, the order of suspension is to be revoked. This Court is of the considered opinion that the writ petitioner is under suspension only for about seven months and such a period can never be termed as prolonged suspension and therefore, the very contention deserves no merit consideration. This apart, the allegation against the writ petitioner is demand and acceptance of bribe. Accordingly, a case is also registered against the writ petitioner. The present petition is the second writ petition filed before this Court. Such an action of the petitioner can never be encouraged.

4. Corruption is spreading like cancer. Corruption is a social evil. Corruption curbs the development of our great nation and on account of large scale corruption amongst the public servants, people at large are affected. Thus, there cannot be any leniency in respect of the action taken on corruption against the public servants. All the cases of corruption against the public servants shall be dealt with iron hand and iron heart. This Court is of an undoubted opinion that the police officials, who are all investigating the cases of corruption must be cautious and vigilant regarding the loop holes and there should not be any scope for loop holes in criminal trial and collection of evidence. Preparation of charge sheet and conducting of trial must be prompt and the officials must exercise efficiency in conducting the prosecution in all such corruption cases.

5. The present writ petition is filed against the order of rejection dated 26.12.2018. The petitioner was initially suspended on 08.06.2018. The first writ petition was filed in W.P.No.26236 of 2018. Thus, no other writ petition can be entertained in respect of the order of suspension, as the charge sheet is going to be filed soon by the Vigilance and Anti Corruption Department and the writ petitioner has to establish his innocence by participating in the criminal trial and only thereafter his case is to be considered. In the event of long delay of more than four years in concluding the criminal trial, then the writ petitioner is at liberty to approach the competent authorities for the purpose of redressing his grievance. Accordingly, the writ petition is devoid of merits and stands

dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

KST

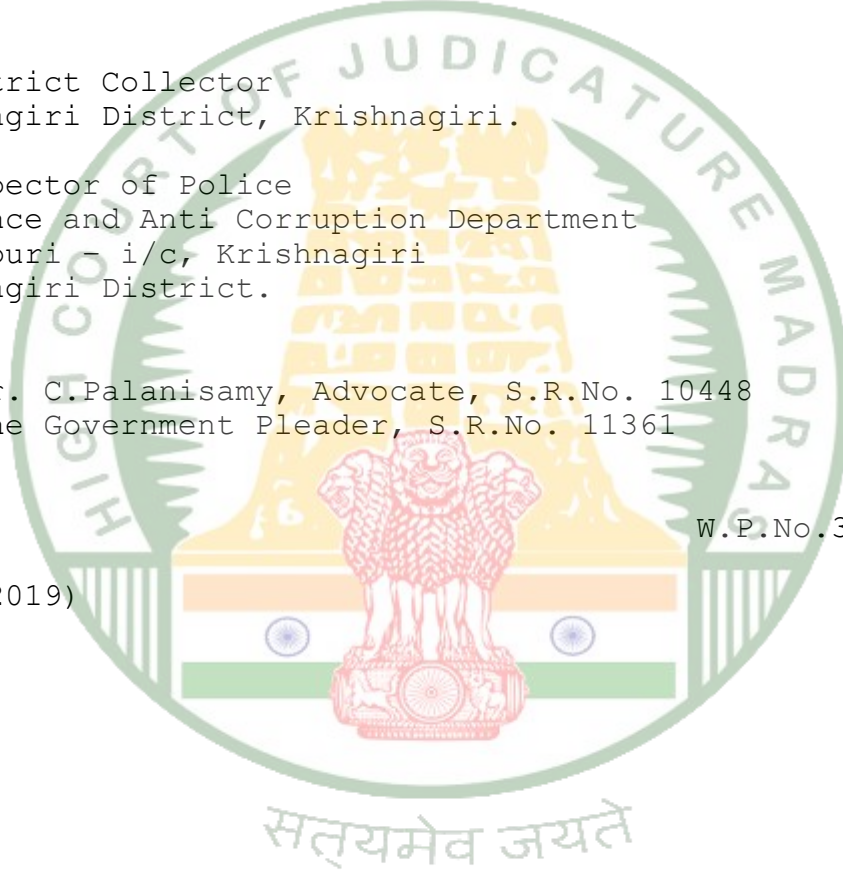
To

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

+2cc to Mr. C.Palanisamy, Advocate, S.R.No. 10448  
+1cc to the Government Pleader, S.R.No. 11361

W.P.No.3232 of 2019

VBA (CO)  
GN (01/03/2019)



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