

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.03.2019

CORAM

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

W.P.No.6404 of 2019

and

W.M.P.Nos.7218 & 7220 of 2019

S.G.Sankaran

..Petitioner

vs

Deputy Inspector General of Registration
Chennai Zone
Chennai - 32.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the Respondent made in his proceedings No.1883/A1/2018 dated 25.5.2018 and quash the same.

For Petitioner :Mr.S.Silambanan, Senior counsel
for M/s.Kaavya Silambanan Associates

For Respondent :Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The order of suspension dated 25.05.2018 issued by the Deputy Inspector General of Registration is under challenge in the present writ petition.

2.The writ petitioner was arrested on 21.05.2018 at 15.45 hours for the demand of acceptance of bribe amount. The Department of Vigilance and Anti-Corruption registered a criminal case against the writ petitioner and consequently, the impugned order of suspension has been issued by the competent authority on initiation of disciplinary proceedings against the writ petitioner.

3.The learned Senior counsel appearing on behalf of the writ petitioner states that the writ petitioner was not trapped. Therefore, the grounds stated in the impugned order is incorrect and on that ground, the order of suspension is liable to be scrapped.

4. Whether, the writ petitioner was actually trapped and arrested or he was arrested at the time of demanding and accepting the bribe, makes less difference and ultimately, the fact remains that he was arrested and a criminal case was registered against him. The allegation against the writ petitioner is demand and acceptance of bribe amount. Thus, there cannot be any leniency in respect of the corruption cases. This apart, the criminal case now registered against the writ petitioner is under investigation by the Department of Vigilance and Anti-Corruption.

5. Under these circumstances, it is not preferable to revoke the suspension as the investigation into the corruption allegations are in process and such a reinstatement would affect the very investigation to be conducted in the office, in which, the writ petitioner was serving.

6. Suspension is not a punishment. Suspension is an interim arrangement, keeping an employee away from the office work, enabling the Department of Vigilance and Anti-Corruption to conduct investigation and enquiry into the allegations. Thus, the writ petitioner has to defend his case by availing the opportunities to be provided, both in the criminal case as well as in the Departmental disciplinary proceedings. However, an order of suspension is to be reviewed periodically by the competent authorities. The writ petitioner, after six months, is at liberty to submit a representation to the competent authorities for the purpose of reviewing the order of suspension. Based on the progress made in the criminal investigation and considering all other factors, the authorities competent is at liberty to take a decision and pass orders. However, at this juncture, the order of suspension issued cannot be revoked and the technical ground now raised by the learned Senior counsels deserves no merit consideration as the fact remains that the writ petitioner was arrested and remanded to judicial custody and subsequently, he was released on bail and the criminal case registered against the writ petitioner under the Prevention of Corruption Act is under investigation by the Department of Vigilance and Anti-Corruption.

7. Thus, the present writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

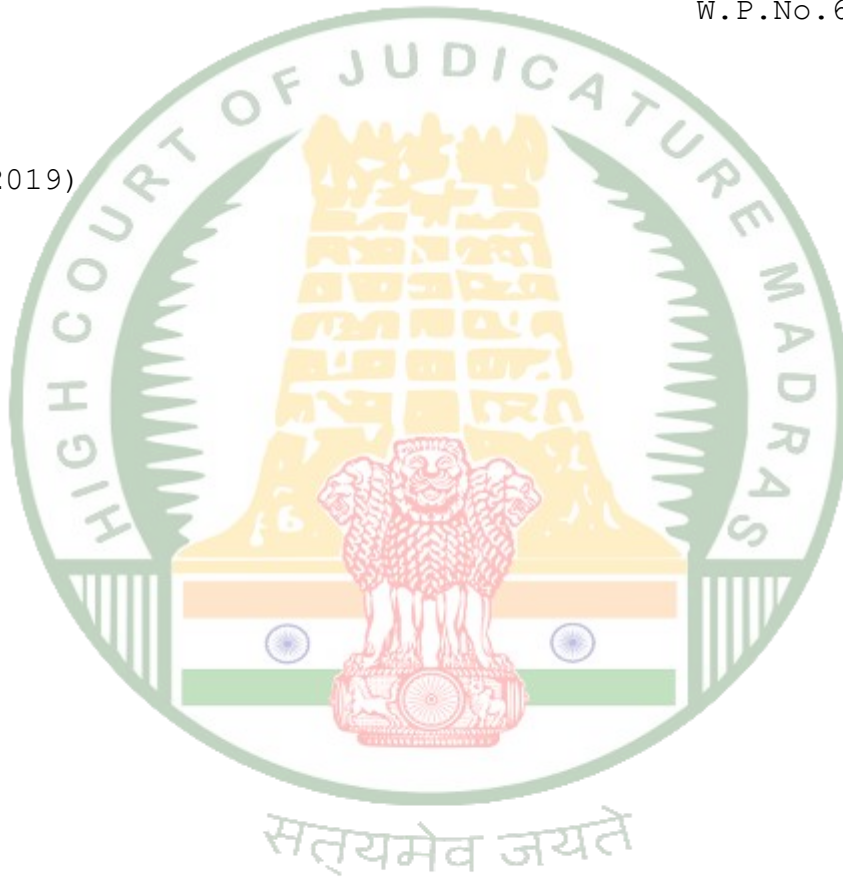
To

Deputy Inspector General of Registration
Chennai Zone
Chennai - 32.

+1 CC to Govt. Pleader sr 22608.

W.P.No.6404 of 2019

LN (CO)
SP (27/03/2019)



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