

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2019

CORAM

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

W.P.No.21003 of 2018
and
W.M.P.No.24669 of 2018

R.Thirumalaisamy

.. Petitioner

..vs..

1.The District Collector,
Tiruppur District @ Tiruppur.

2.The Director of Town Panchayats,
Kuralagam, Chennai - 108.

..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 pertaining to the order passed by the first respondent herein in his Roc.No.190(T)/V2 dated 12.05.2017 placing the petitioner under suspension and quash the same and consequently direct the respondents herein to revoke the order of suspension of the petitioner with all consequential benefits.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.D.Suriyanarayanan

Additional Government Pleader

O R D E R

The learned counsel for the writ petitioner made a submission that the writ petitioner is due to retire from service on attaining the age of superannuation on 31.05.2019 and the writ petitioner was placed under suspension.

2. The writ petitioner was placed under suspension in proceedings dated 12.05.2017. The order of suspension was issued on the ground that the criminal case was registered against the writ petitioner by the Directorate of Vigilance and Anti-Corruption, Tiruppur in Cr.No.2/2017/AC/RPR under Section 7 of Prevention of Corruption Act, 1988. The petitioner was arrested on 12.05.2017 and remanded to judicial custody and the allegation against the writ petitioner was, he accepted of

Rs.22,000/- from one Thiru K.S.Ramasamy S/o.Chenniappa Gounder for his settlement of Drinking Water Supply bill amount to the General Public of Kolathupalayam village by lorries.

3. The allegations against the writ petitioner are certainly serious, warranting an enquiry both by Disciplinary authorities as well as by the Criminal Court of law. Undoubtedly, the criminal case registered against the writ petitioner was pending for trial. This apart, however the charge sheet has not so far laid.

4. The writ petitioner is due to retire from service on 31.05.2019, on the date of retirement the authorities are bound to pass appropriate orders for the continuance of suspension and to retain the services of the writ petitioner under the Fundamental Rules. This being the procedures to be followed, the case of the writ petitioner cannot be considered at this point of time.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Pns

To

1.The District Collector,
Tiruppur District @ Tiruppur.

2.The Director of Town Panchayats,
Kuralagam, Chennai - 108.

+1cc to Mr.Ravi Shanmugam, Advocate SR.No.17266

+1cc to Government Pleader, High Court, Madras SR.No.17665

W.P.No.21003 of 2018
and

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SK(CO)
GMY(27/03/2019)