

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-03-2019

CORAM

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

W.P.No.22205 of 2018

And

W.M.P.No.26021 of 2018

S.Karthick

.. Petitioner

- Vs. -

The Assistant Director of Survey and
Land Records (Competent Authority),
Thiruvannamalai-606 604.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in his proceedings Rc.No. A3/4007/16 dated nil.8.2016 signed on 19.8.2016 and to quash the same and to consequentially direct the respondent herein forthwith to reinstate the petitioner.

For Petitioner : Mr.M.Ravi

For Respondent : Mrs.P.Rajalakshmi,
Additional Government Pleader.

O R D E R

The order of suspension dated 19.8.2016, issued by the respondent, is under challenge in the present writ petition.

2. The writ petitioner was appointed as Field Surveyor and on account of an allegation of corruption, a criminal case was registered against the writ petitioner under the provisions of the Prevention of Corruption Act, 1988 by the Department of Vigilance and Anti-Corruption in Crime No.2/2016 under Section 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and Section 109 IPC read with Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

3. The writ petitioner was arrested and remanded to judicial custody for 15 days. The writ petitioner was lodged at Sub-Jail, Thiruvannamalai on 18.8.2016. Under these circumstances, the writ petitioner was placed under suspension.

4. The learned counsel for the writ petitioner states that the order of suspension was issued on 21.2.2016 and the charge sheet by the Department of Vigilance and Anti-Corruption is yet to be laid. Thus, the competent authorities are bound to review the order of suspension by taking note of all these factors.

5. This Court is of an opinion that periodical review of the suspension order is also necessary. Undoubtedly, the allegations against the writ petitioner are serious and relating to the corruption. However, prolonged suspension is bad in law. Therefore, periodical review is to be undertaken by the competent authorities based on the progress in the departmental disciplinary proceedings as well as in the criminal case.

6. It is now settled that simultaneous proceedings are permissible if the Disciplinary Authorities are having adequate documents/files in respect of the allegations, they are at liberty to proceed with the departmental disciplinary proceedings, conclude the same and pass final orders. If no sufficient files or records are available, then the authorities competent are at liberty to take decision and to keep the departmental disciplinary proceedings in abeyance till the final decision is taken in this regard by applying their minds with reference to the materials available and the progress of the case. However, on initiation of the departmental disciplinary proceedings, the authorities competent must ensure that the same is concluded within the reasonable period of time.

7. As far as the present case is concerned, the writ petitioner is placed under suspension on account of registration of the criminal case under the Prevention of Corruption Act, 1988. Under these circumstances, the respondent is directed to review the order of suspension, considering the facts and circumstances prevailing as of now by taking note of all other factors and pass orders on merits and in accordance with law, as expeditiously as possible.

8. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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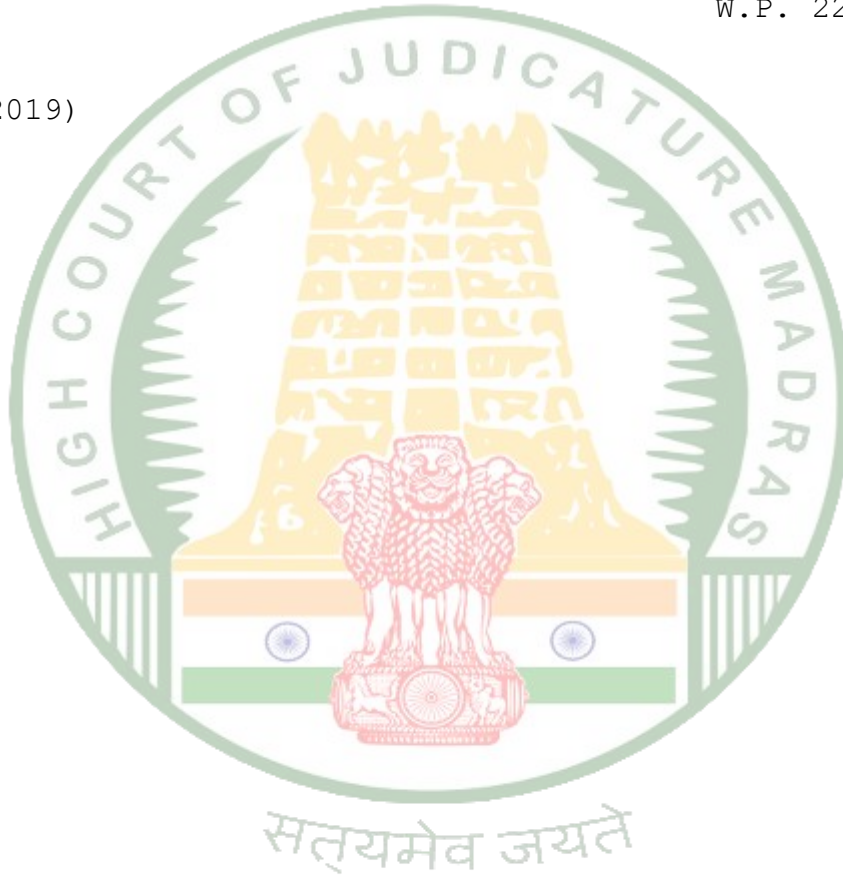
To

The Assistant Director of Survey and
Land Records (Competent Authority),
Thiruvannamalai-606 604.

+1 CC to Govt. Pleader sr 24711.

W.P. 22205 of 2018

RV (CO)
SP (05/04/2019)



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