

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal Nos.2898 and 2899 of 2019
and C.M.P.Nos.18668, 18675 and 18676 of 2018

- 1 THE COMMISSIONER OF MUNICIPAL
ADMINISTRATION CHEPAUK CHENNAI.
- 2 THE REGIONAL DIRECTOR OF
MUNICIPAL ADMINISTRATION TIRUPPUR.
-APPELLANTS IN BOTH W.AS
- Vs
- 1 M.RAVIKUMAR
S/O. KUPPUSAMY MARKET SUPERINTENDENT
COONOR MUNICIPALITY COONOR.
- IstRESPONDENT IN W.A.NO.2898 OF 2019
- 1 E.NANJUNDAN
S/O. ERAIYAN, REVENUE OFFICER,
COONOR MUNICIPALITY,
COONOR - 2.Ist Respondent in WA.No.2899/19
- 2 THE MUNICIPAL COMMISSIONER
COONOR MUNICIPALITY.
-R2 RESPONDENT IN BOTH W.AS

APPEALS filed under Clause 15 of the Letters of Patent to
set aside the Order dated 09.01.2019 passed in WP Nos.21845 and
21846 of 2018 and allow the Writ Appeals.

WP.No.21845 & 21846 of 2018:Writ Petition is filed under Article
226 of Constituion of India praying to issue a Writ order or
Direction more so in the nature of a Writ of Certiorari calling
for the records on the file of the third respondent in relation
to the impugned order in RC-1294/2016/C1 dated 15.04.2016
placing the petitioner under suspension, quash the same.

For Appellants : Mrs.A.Sri Jayanthi,
Spl.G.P.(in both)
For Respondents : Ms.Dhakshayani Reddy(in both)

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The respondent in the respective appeals were placed under suspension by order dated 15.04.2016 on the ground that a case against them was registered by the Vigilance and Anti Corruption Department. There was no action taken by the disciplinary authority to review the order of suspension. The respondent in the respective appeals (hereinafter referred to as 'respondents') therefore filed Writ Petitions in W.P.Nos.21845 and 21846 of 2018 to quash the order dated 15.04.2016.

2. The learned single Judge having found that there was no progress made either in the investigation of the case registered against the respondents or taking disciplinary proceedings pursuant to the charge memo, quashed the order dated 15.04.2016 and directed the appellants to revoke the order of suspension and post them in any of the non-sensitive post by imposing reasonable conditions. The order was passed on 09.01.2019. When Contempt Petitions were filed for non-compliance of the order, the appellants have come up with the intra Court appeals.

3. We have heard the learned Special Government Pleader on behalf of the appellants. We have also heard the learned counsel for the respondents.

4. The respondents were placed under suspension by order dated 15.04.2016. It was alleged that they demanded bribe from the tenant of the local body. It was the contention of the respondents before the authorities as well as before the Writ Court that a sum of Rs.50,000/- was paid towards arrears of rent and it was only when the money was given to the counting machine for counting, the officials of the Vigilance and Anti Corruption appeared, seized the notes and registered a case.

5. There was no action taken by the appellants to initiate disciplinary proceedings against the respondents for more than three years. The order of suspension was made on 15.04.2016. The investigation of the case against the respondents is still in the preliminary stage.

6. The appellants ought to have reviewed the order of suspension at least after a period of one year. No such effort was taken by the appellants for the past three years and four months. We are therefore of the view that the learned single Judge was justified in quashing the order dated 15.04.2016 and directing the appellants to post the respondents in any of the non-sensitive post.

7. The intra Court appeals are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-
Asst.Registrar
/true copy/
Sub Asst. Registrar

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To

1.THE MUNICIPAL COMMISSIONER
COONOR MUNICIPALITY.

2.The Commission of Municipal
Administration Chepauk
Chennai-5

3.The Regional Director of Municipal Administration
Tiruppur-2

+1cc to M/s.Nethaji Advocate sr 75209
+1cc to Government Pleader sr76111

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aa25/09/2019