

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN
and
The Honourable Ms.JUSTICE P.T.ASHA

W.A.No.2315 of 2019

Mr. B. Dharmaraj

..Appellant

Vs.

The District Collector,
Office of the Collector, Dharmapuri,
Salem Main Road,
Dharmapuri- 636 705.

... Respondent

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent praying to set aside the order dated 07.03.2019 passed in Writ Petition No.617 of 2019, allow the said Writ Petition.

WP.No.617/19 Prayer:

Writ of Certiorarified Mandamus calling for the records of the respondent culminating in her impugned proceeding bearing Roc.6343/2016 (A2) dated 26.10.2018 placing the petitioner under suspension quash the same and consequently direct the Respondent to extend all service benefits to the Petitioner.

For Appellant : Mr. N.L. Raja, Senior Counsel
for M/s. Arun Anbumani

For Respondent : Mr. P.H. Aravind Pandian, AAG Assisted by
Mrs. A. Srijayanthi, Spl.G.P.

J U D G M E N T

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

The appellant was placed under suspension by order dated 26.10.2018. The Writ Petition filed by the appellant challenging the order of suspension was dismissed by the learned Single Judge. The order dated 07.03.2019 in Writ Petition No. 617 of 2019 is the subject matter of this intra court appeal.

2. The appellant is a Tahsildar, now posted at SIPCOT, Dharmapuri. The District Collector, Dharmapuri issued three charge memos dated 6.11.2014, 20.06.2015 and 06.11.2014 to the appellant based on the complaint preferred by the Members of the Lorry Owner's Association. The charges were dropped by orders dated 29.08.2018 and 03.08.2018. In the meantime, the appellant was posted as Special Tahsildar, SIPCOT. The name of the appellant was included in the panel for the year 2016-2017 for promotion to the post of Deputy Collector.

3. The District Collector, Dharmapuri by order dated 26.10.2018 placed the appellant under suspension on the strength of a complaint preferred by Thiru K. Lakshmanan, Sri Amman Blue Metals of Ganapathypatty to the Vigilance and Anti Corruption Department, Dharmapuri, alleging that he demanded illegal gratification. The complaint proceeds as if the appellant demanded bribe on 25.02.2014. However, the fact remains that the complaint was preferred only on 09.07.2015. It was based on this complaint that the Vigilance and Anti Corruption Department registered a case against the appellant and the same resulted in passing the order of suspension.

4. We have perused the note containing the relevant dates and events. We have also perused a copy of the complaint preferred by Thiru. K. Lakshmanan to the Vigilance and Anti Corruption Department. There was no reason assigned for the delay in preferring the complaint. Even though the alleged demand for illegal gratification was made on 25.02.2014, the complaint was given only on 09.07.2015. Thereafter, the Director of Vigilance and Anti Corruption registered the case on 28.03.2016.

5. Even though the case was registered against the appellant on 28.03.2016 by the Vigilance and Anti Corruption, Dharmapuri, the fact remains that he was not placed under suspension. The charge memos issued to the appellant were all withdrawn by the District Collector. It was only thereafter, the appellant was placed under suspension pursuant to the complaint preferred by Thiru.K. Lakshmanan on 09.07.2015.

6. The responded suspended the appellant on the basis of a complaint of the year 2015, only after dropping the proceedings in respect of three charge memos issued earlier.

7. We have pointed out to the Additional Advocate General appearing on behalf of the State that there are prima facie materials produced by the appellant to show that it was a false complaint of bribe which was preferred against him to stall his promotion as Deputy Collector. We directed the Additional

Advocate General to take instructions from the respondent as to whether the District Collector is prepared to review the order of suspension taking into account the material facts which are available on record.

8. The District Collector by order dated 02.08.2019 revoked the order dated 26.10.2018 placing the appellant under suspension. Since the District Collector had recalled the order dated 26.10.2018, we are of the view that no further adjudication is necessary in this intra court appeal.

9. The intra court appeal is disposed of as indicted above taking into account the subsequent events. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mrn

To

The District Collector,
Office of the Collector, Dharmapuri,
Salem Main Road,
Dharmapuri- 636 705.

+2cc to Mr.Arun Anbumani, Advocate SR.66255

RK(CO)
CB(01/10/2019)

W.A.No.2315 of 2019

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