

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM :

THE HON'BLE DR. JUSTICE S.VIMALA

W.P.No.1507 of 2018

and

W.M.P. Nos.1917 & 1918 of 2018

L.Meenakshi

... Petitioner

Vs

The District Collector,
Tiruvallur District,
Tiruvallur.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the respondent in his proceedings RC.1427/2011/A3, dated 31.08.2011 and quash the same and consequently direct the respondent to reinstate the petitioner into service with all backwages, attendant benefits and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.V.Kadhirvelu

Special Government Pleader

O R D E R

The order of suspension dated 31.08.2011 is challenged on the ground that it is a prolonged suspension.

2. The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as a Typist in the year 1989 in Revenue Department and subsequently promoted as Assistant in the year 1996 and thereafter promoted as Deputy Tahsildar in the year 2010. While he was discharging his duties as Deputy Tahsildar, he was implicated in a Vigilance and Anti-corruption case, stating that the petitioner had demanded and accepted Rs.3000/- as bribe. Based on arrest, the petitioner was placed under suspension on 31.08.2011. Stating that the suspension is prolonged, which is illegal, the writ petition has been filed.

3. Counter affidavit has been filed stating that the criminal case has been taken on file in S.C No.3/2014 and the trial is in progress. It is not known when the trial will get completed. Even though the charge sheet is taken on file in SC No.3/2014, for the past four years, the trial has not been completed. Moreover, the learned counsel for the petitioner would submit that the defacto complainant turned hostile and deposed before the Court that he did not give any bribe to the accused/ the petitioner herein.

4. Under such circumstances, the respondents are directed to revoke the suspension order and post the petitioner in a non-sensitive post. However, it is made clear that if it is found that the defacto complainant did not make any such statement before the Court, the respondent can move this Court for cancellation of this order.

5. This Writ Petition is allowed, on the above lines. Consequently, the connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vji/avr

To

The District Collector,
Tiruvallur District,
Tiruvallur.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.632

+1cc to the Government Pleader, S.R.No.518

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W.P.No.1507 of 2018
and
W.M.P.Nos.1917 &
1918 of 2018

EV(CO)
GSP(25/01/2019)