

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.24014 of 2018

and

WMP.No.27975 of 2018

M.Ameerunisha

...Petitioner

Vs

The District Collector,
Vellore District,
Vellore - 9.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records connected with the proceedings issued in Rc.A1/81/2018 dated 29.06.2018 (relates to suspension) and proceedings issued in Rc.A1/81/2018 dated 29.06.2018 (relates to extension of service) passed by the respondent and quash the same and consequently direct the respondent to allow the petitioner to retire from service.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.A.N.Thambidurai,
Spl.Govt.Pleader

सत्यमेव जयते
O R D E R

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

2. The writ petitioner was holding the post of Special Deputy Tahsildar (Elections) and placed under suspension on the eve of her retirement and the writ petitioner is facing a criminal case in Crime No.05/2016 under Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act 1988 and 477 (A) IPC r/w 109 IPC by the Vigilance and Anti-Corruption Department, Vellore. The services of the writ petitioner was retained and she was in suspension.

3. The allegations against the writ petitioner is regarding the corrupt activities. Thus, there cannot be any leniency or misplaced sympathy in respect of the revocation of the order of suspension. The grounds raised regarding the merits of the allegations cannot be adjudicated at this point of time, in view of the fact that, suspension is initiation of disciplinary proceedings and all such facts and circumstances are to be adjudicated by the Authorities Competent at the time of enquiry. The complex, facts and circumstances can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. It is left open to the writ petitioner to establish her innocence or otherwise by producing the documents and by adducing evidences.

4. This being the factum, the order of suspension cannot be revoked at this point of time and the case of the writ petitioner is to be considered only after the disposal of the criminal case and the departmental disciplinary proceedings. In view of the fact that the writ petitioner had already attained the age of superannuation on 30.06.2018, the impugned order of suspension cannot be revoked and the case of the writ petitioner is to be considered after the disposal of the criminal case as well as the departmental disciplinary proceedings initiated against her.

5. However, the subsistence allowance not exceeding as per the pensionary Rules are to be paid to the writ petitioner periodically on production of necessary certificates or documents as per Rules. In respect of the disbursement of eligible terminal benefits, the writ petitioner is at liberty to submit a representation and in the event of receiving any such representation, the same shall be considered by the Authorities Competent on merits and in accordance with law.

6. This being the factum, the present writ petition deserves no merit consideration and accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Pkn

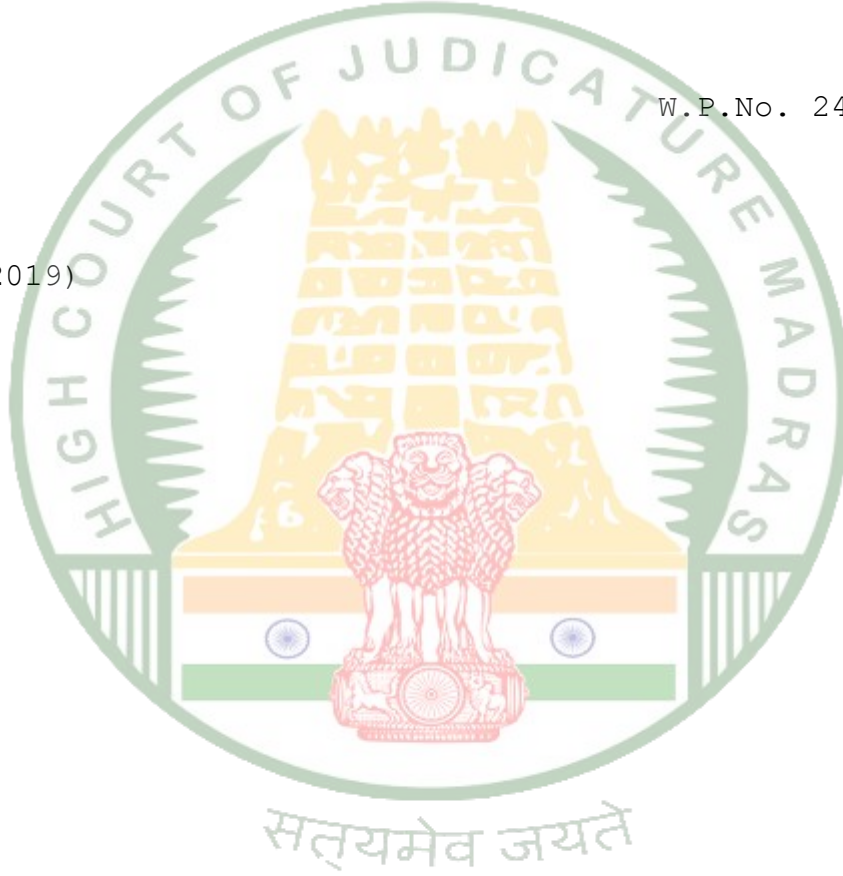
To

The District Collector,
Vellore District,
Vellore - 9.

+1 CC to Mr.K.M.Ramesh, Advocate sr 29234.
+1 CC to Govt. Pleader sr 30480.

W.P.No. 24014 of 2018

LN(CO)
SP(13/05/2019)



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