

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.29828 OF 2019

K.M.Chinnasamy

.. Petitioner

vs

1. The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Tirukoilur,
Villupuram District.

3. The Tahsildar,
Ulunthurpettai Tahsildar Office,
Ulunthurpettai,
Villupuram District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to consider and pass orders on the petitioner's representation dated 15.12.2018 submitted for seeking an order of revocation of the suspension order passed against the petitioner and to pass regular retirement order and consequently sanction the pay allowance and retirement benefits to the petitioner.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mrs.R.Janaki
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is to direct the 2nd respondent to consider and pass orders on the petitioner's representation dated 15.12.2018 submitted for seeking an order of revocation of the suspension order passed against the petitioner and to pass regular retirement order and consequently

sanction the pay allowance and retirement benefits to the petitioner.

2. By consent of both the parties, the Writ Petition has been taken up for final disposal at admission stage itself.

3. The case of the petitioner is that he was working as Village Administrative Officer at Thottiyam & Thenchettiandal villages in Kallakurichi Taluk. On 16.02.2000, the petitioner was arrested by the Inspector of Police, Vigilance and Anti Corruption Department at Cuddalore for the allegation of receiving bribe a sum of Rs.1000/-. Accordingly, the law enforcing agency registered a case against the petitioner in Crime No.3/AC/2000/CL dated 13.10.2000 for the offenses punishable under Section 7 and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988. The petitioner was suspended from service and aggrieved by the said suspension order, an appeal was filed before the Tamil Nadu Administrative Tribunal and the petitioner was re-appointed in service.

4. The Special Judge (V & AC Cases), Villupuram by order dated 08.10.2010, convicted the petitioner and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.2,500/- for the offenses under Section 7 of the Prevention of Corruption Act, 1988 and also sentenced to undergo one year simple imprisonment and to pay a fine of Rs.2,500/- for the offenses under Section 13(2) r/w. 13(1)(d) of the said Act.

5. Aggrieved by the said order, the petitioner preferred an appeal before this Court in CrI.A.No.700/2010 and this Court by order dated 02.08.2017, acquitted the petitioner by setting aside the order passed by the Trial Court. In the meanwhile, the 2nd respondent again placed the petitioner under suspension and prevented him from retiring. Thereafter, the petitioner made several representations to the 2nd respondent to take necessary action to regularize his period of suspension as spent on duty and to provide the difference of pay during this period of service and to grant the retirement and terminal benefits. No action was taken. Finally, on 15.12.2018, the petitioner again made a representation to the 2nd respondent. However, till date the representation was not considered. Therefore, the Writ Petition has been filed.

6. Mr.V.R.Appaswamee, learned counsel appearing for the petitioner would submit that though the petitioner was acquitted by this Court, however, the Departmental enquiry is still pending against him. He would further submit that it would be suffice to issue direction to the 2nd respondent to conclude the Departmental enquiry within a time fixed by this Court.

7. Mrs.R.Janaki, learned Additional Government Pleader appearing for the respondents conceded the request made by the learned counsel for the petitioner.

8. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 2nd respondent to conclude the Departmental enquiry within a period of twelve weeks from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Tirukoilur,
Villupuram District.
3. The Tahsildar,
Ulunthurpettai Tahsildar Office,
Ulunthurpettai,
Villupuram District.

+2cc to Mr.V.R.Appaswamee, Advocate, S.R.No.87428

+1cc to the Government Pleader, S.R.No.87793

NMI (CO)
CS/13/12/2019

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