

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.1822 of 2017
and
W.M.P.Nos.1808 & 1809 of 2017

M.Senthil .. Petitioner
Vs.

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Inspector of Police,
Vigilance and Anticorruption,
Dharmapuri. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 23.07.2016 made in ROC.11230/16/A2 and consequential extension order dated 15.12.2016 passed by the 1st respondent and to quash the same, consequently re-instate the petitioner in service with all monetary benefits.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.Zakir Hussain,
Government Advocate

O R D E R

The writ petitioner challenges an order of suspension dated 23.07.2016.

2.Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.A.Zakir Hussain, learned Government Advocate for the respondents.

3. The petitioner was suspended on allegations of demand of illegal gratification for arranging the grant of financial

assistance towards accident relief, to one M.Munusamy pursuant to a trap set up on 21.07.2016. Charges were framed against the Tahsildar, one G.Miller, the then Revenue Inspector one Ms.Kavitha and the writ petitioner.

4.The charges framed as against the then Tahsildar have been dropped by the District Collector of Dharmapuri by proceedings No.11230/2016/A2, dated 30.04.2018 and he has been posted as Office Senior Superintendent in the office of the Special District Revenue Officer (SIPCOT-LA) Dharmapuri on 30.04.2018. The proceedings of the District Collector in this regard is available on file.

5. The counter filed by the first respondent/District Collector admits the position that the writ petitioner was not present at the time of occurrence of the seizure of bribe money despite which the charges have been framed.

6. Upon reading of the counter, it seems apparant that the suspension has been triggered only upon suspicion that the petitioner might have been involved. In these circumstances and also in the light of the judgements of the Supreme Court in the case of Ajaykumar Choudhary Vs Union of India(2015(2) Scale 432) and the State of Tamil Nadu represented by Secretary to Government(Home) Vs. Pramod Kumar IPS and another(Civil Appeal No.8427-8428 of 2018, dated 21.08.2018, deprecating prolonged suspension, the impugned suspension is set aside and the respondents are directed to reinstate the petitioner into service forthwith and in any event, within a period of two weeks from date of receipt of a copy of this order. As far as the charges, which are stated to be pending before the Chief Judicial Magistrate, Dharmapuri, in C.C.No.3 of 2017 is concerned, it is made clear that trial and enquiry in the criminal complaint shall proceed independently and as expeditiously as possible. No observation in this order shall influence the progress of the enquiry and the criminal trial and the matter shall be tried independently, on merits and in accordance with law. The writ petitioner is directed to co-operate with the enquiry to the fullest.

7.This writ petition is disposed of in the above terms. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg/ms

To

1.The District Collector,
Dharmapuri District,
Dharmapuri District.

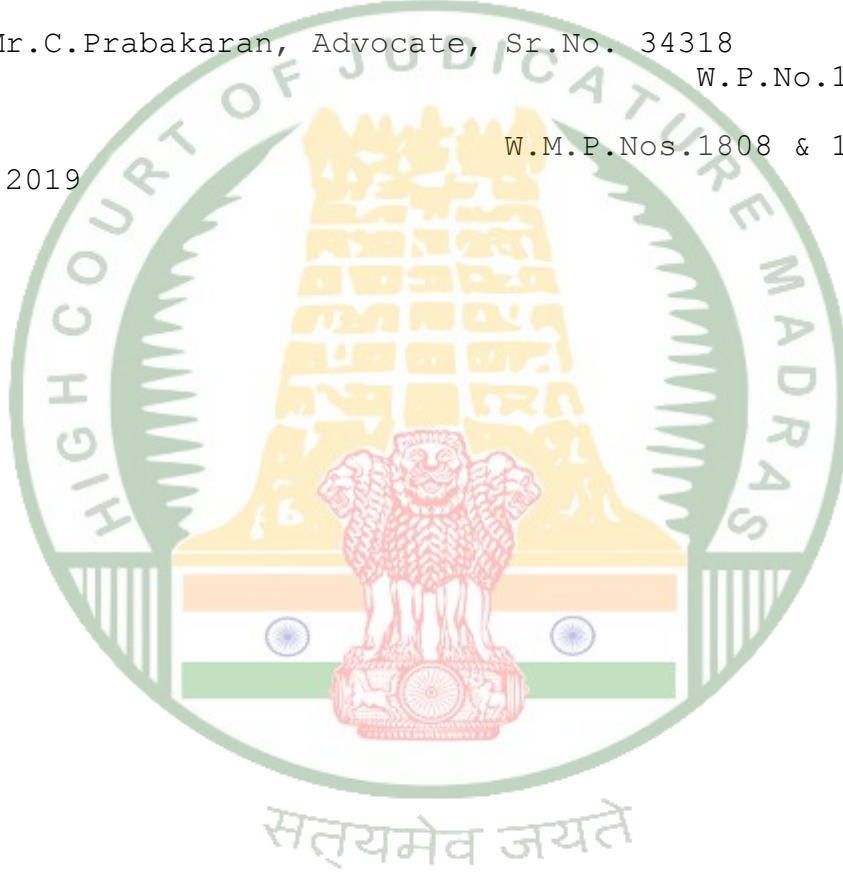
2.The Inspector of Police,
Vigilance and Anticorruption,
Dharmapuri.

+1 cc to Mr.C.Prabakaran, Advocate, Sr.No. 34318

W.P.No.1822 of 2017
and

W.M.P.Nos.1808 & 1809 of 2017

CSL/25.04.2019



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