



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.9249 of 2018

and

W.M.P. (MD) Nos.8558 to 8560 of 2018

E.Mariyappan

...Petitioner

Vs

The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.AA1/3777/2016 dated 13.12.2017 on the file of the respondent and quash the same as illegal and consequently, direct the respondent to revoke the suspension order dated 22.07.2016 passed by the respondent in Roc.No.B1/3777/2016 and to re-instate the petitioner in the above post of Village Administrative Officer with consequential benefits, within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumuguran
For Respondent : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order dated 13.12.2017, passed in Na.Ka.No.AA1/3777/2016 by the respondent and to direct the respondent to revoke the order of suspension dated 22.07.2016 and to re-instate the petitioner into service.

2.The learned counsel for the petitioner would submit that on 25.04.2012, the petitioner was appointed as Village Administrative Officer in Nagapattinam District and subsequently, he was transferred to Kampaneri Puthukudi Part I, Kadaiyanallor Taluk, Tirunelveli District. Thereafter, on 20.07.2016, a case in Cr.No.4 of 2016 has been registered against him for the offences punishable under Sections 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 by the Vigilance and Anti-Corruption Cell, Tirunelveli, alleging that the petitioner demanded a sum of Rs.35,000/- as bribe from one Manoj for transferring the patta in his name. Pursuant to



the said criminal case, the petitioner was placed under suspension by the respondent by order dated 22.07.2016. After that, the petitioner made a representation on 19.11.2016 to the respondent to revoke the order of suspension and on such representation, no action has been taken.

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3. Further, the learned counsel for the petitioner would submit that due to inaction on the said representation, the petitioner filed W.P. (MD) No.22940 of 2016 before this Court and this Court by order dated 30.11.2016, directed the respondent to consider and pass appropriate orders on such representation dated 19.11.2016, by citing the judgment of the Hon'ble Apex

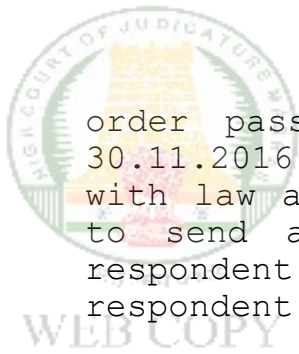
Court in the case of **Ajay Kumar Choudhary Vs. Unionn of India** reported in **2015 (3) CTC 119**. But, without considering those aspects, the respondent has passed the impugned order dated 13.12.2017, by stating that they cannot revoke the suspension order till the disposal of criminal case pending against the petitioner. Challenging the same, the present writ petition has been filed.

4. Further, the learned counsel for the petitioner would submit that the matter may be referred to the respondent to pass appropriate orders on merits and in accordance with law afresh in the light of the decision of the Hon'ble Supreme Court in the case cited supra.

5. The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that pursuant to the said criminal case, a charge sheet has been laid against the petitioner and the trial is yet to be commenced. Hence, the claim of the petitioner to revoke the order of suspension has been rejected. Further, the learned Additional Government Pleader would submit that if the impugned order dated 13.12.2017, is set aside and the matter is remanded to the respondent to consider the petitioner's representation dated 19.11.2016 afresh, the same will be considered as expeditiously as possible on merits and in accordance with law.

6. In view of the submission made by the learned Additional Government Pleader and on perusal of the impugned order dated 13.12.2017, this Court finds that without considering the order dated 30.11.2016 passed by this Court, the respondent has rejected the claim of the petitioner to revoke the order of suspension. Hence, this Court has no hesitation to quash the impugned order dated 13.12.2017 and remit back the matter to the respondent to consider the representation of the petitioner dated 19.11.2016 afresh.

7. Accordingly, the impugned rejection order dated 13.12.2017 passed by the respondent in Na.Ka.No.AA1/3777/2016 is hereby quashed. The respondent is directed to consider the petitioner's representation dated 19.11.2016 afresh, in the light of the earlier



order passed by this Court in W.P.(MD) No.22940 of 2016 dated 30.11.2016 and pass appropriate orders on merits and in accordance with law as expeditiously as possible. The petitioner is directed to send a copy of the representation dated 04.08.2014 to the respondent along with the copy of this order so as to enable the respondent to comply with the above directions.

8.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

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To
The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

+1CC TO MR.T.THIRUMURUGAN, Advocate Sr. No.83938
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 83972

W.P.(MD) No.9249 of 2018
26.08.2019

PM(CO)
TR(17.10.2019) 3P 4C