



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)Nos.18051, 18052 & 18053 of 2014
and
M.P(MD)Nos.1,1, & 1 of 2014

R.Varatharajan	... Petitioner in W.P(MD)No.18051 of 2014
Kalimuthu	... Petitioner in W.P(MD)No.18052 of 2014
A.Soundarapandian	... Petitioner in W.P(MD)No.18053 of 2014

Vs.

1.The Additional Director of Survey and Land Records,
Chepauk,
Chennai-5.

2.The Assistant Director of Survey and Land Records,
District Survey Office,
Thoothukudi.

... Respondents
in W.P(MD)No.18051 & 18052/2014

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional officer,
Tenkasi,
Tirunelveli District.

... Respondents
in W.P(MD)No.18053 of 2014

PRAYER in all the writ petitions: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the second respondent vide his proceedings in R.C.A6/5060/2011 dated 19.08.2011, R.C.A8/7484/2008 dated 11.08.2008 and Roc.B1/7714/2007 signed on 29.01.2010 respectively and quash the same and consequently direct the respondents to permit the petitioners to retire from service.

For Petitioners	: Mr.R.Anand
For Respondents	: Mr.D.Muruganandham, Additional Government Pleader



COMMON ORDER

The orders of suspension are under challenge in these writ petitions.

2. The writ petitioners were working as Surveyor/Draftsman and Village Administrative Officers respectively. On account of the allegation of demand and acceptance of bribe, criminal cases were registered against the petitioners by the Vigilance and Anti-corruption Wing in Cr.No.3 of 2008 under Section 7 of the Prevention of Corruption Act, 1988, Cr.No.11 of 2005 under Section 7 and 13(1)d read with 13(2) of Prevention of Corruption Act, 1988 and Cr.No.4 of 2011 under Section 7 and 13(2) r/w 13(2)(d) of the Prevention of Corruption Act, 1988 respectively. The cases registered against the writ petitioners are pending for trial. When the writ petitioners reached their age of superannuation, they were placed under suspension and not allowed to retire from service.

3. The learned counsel appearing on behalf of the writ petitioners also admits the fact that the criminal cases are yet to be disposed of and pending. This being the factum, the writ petitioners cannot be allowed to retire from service at this stage. The criminal cases registered against the writ petitioners are in relation to demand and acceptance of bribe under the prevention of corruption act.

4. This being the seriousness of the case registered against the writ petitioners, the order of suspensions were rightly issued by the competent authorities and there is no infirmity as such. All further actions in the matter of settlement of benefits are to be undertaken only after the disposal of the criminal cases and after the conclusion of the departmental disciplinary proceedings initiated against the writ petitioners.

5. With these clarifications, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Additional Director of Survey and Land Records,
Chepauk,
Chennai-5.

2.The Assistant Director of Survey and Land Records,
District Survey Office,
Thoothukudi.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Revenue Divisional officer,
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Tirunelveli District.

+1 CC to SPL GP SR-81956.

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