



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22035 of 2019

A.Manimegalai

... Petitioner

-Vs-

Revenue Divisional Officer,
Melur Taluk,
(Stationed at Othakadai),
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to revoke the order of suspension passed by the respondent vide his proceedings in ROC No.2855/2019/A3 dated 12.07.2019 in the light of the Judgment passed by the Hon'ble Apex Court in Ajaykumar Chowdhary vs. Union of India as well as Govt. Letter dated 23.07.2015 based on the petitioner's representation dated 3.9.2019 within the time limit that may be stipulated by this Court.

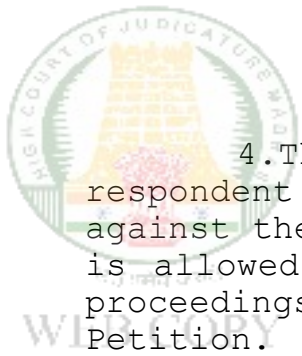
For Petitioner	: Mr.D.Selvanayagam
For Respondent	: Mr.S.Dhayalan
	Government Advocate

ORDER

This Writ Petition is filed to quash the order of the respondent dated 12.07.2019 and to direct the respondent to review and revoke the suspension order.

2.According to the petitioner, she is working as Village Assistant Officer. Based on the complaint given by the defacto complainant, a trap was laid against the petitioner on 10.07.2018, as if she had demanded illegal gratification of Rs.5,000/- for issuance of Patta in the name of the defacto complainant. Based on the said complaint, a case was registered against him in Cr.No.15 of 2019 under Section 7 of the Prevention of Corruption Act, 1988. Subsequently, the petitioner was suspended from service on 12.07.2019. Challenging the order of suspension, the petitioner has come out with the present writ petition.

3.The learned counsel appearing for the petitioner contended that the impugned order is illegal and passed without application of mind. The order of suspension should not be continued for long period. The respondent has not initiated any departmental disciplinary proceedings and prayed for setting aside the order of the respondent.



4.The learned Government Advocate appearing for the respondent submitted that serious charge of corruption is levelled against the petitioner. If the petitioner is not suspended and she is allowed to work, she may destroy the evidence and the criminal proceedings will be affected and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent and perused the materials available on record carefully.

6.From the materials on record, it is seen that serious charge of corruption is levelled against the petitioner and the criminal case registered against the petitioner is pending. When the criminal case is pending, it is open to the respondent either to initiate parallel proceedings for the very same set of facts or wait for the result in the criminal case and then, decide either to initiate departmental disciplinary proceedings or not. Similarly pending serious charges in criminal cases, it is open to the department either to suspend the employee or transfer him/her to some other place, instead of paying subsistence allowance without extracting any work from the employee. In the present case, the respondent has exercised the power under Rule 17(e) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 and continued the petitioner under suspension and rejected the claim of the petitioner. The reason given by the respondent is valid and in view of the serious allegations made against the petitioner, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

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To
Revenue Divisional Officer,
Melur Taluk,
(Stationed at Othakadai),
Madurai District.

+1 CC to SPL GP (SR-93243[F] dated 21/10/2019)
+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-93732[F] dated
22/10/2019)

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18.10.2019

 MK (21.11.2019) 2P 4C

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