



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23211 of 2019

K.Kuppathal

... Petitioner

Vs.

The District Revenue Officer,
Dindigul,
Dindigul District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records in Na.Ka.No.13197/2018/A2 dated 19.08.2019 on the file of the respondent and quash the same and consequently direct the respondent to revoke the order of suspension dated 13.04.2018.

For Petitioners : Mr.S.Kumar

For Respondent : Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned order of rejection in Na.Ka.No.13197/2018/A2, dated 19.08.2019, passed by the respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

3. The petitioner while working as Revenue Inspector in Palakkanoothu, Dindigul West Taluk, she was arrested on 13.04.2018 by the Director of Vigilance and Anti-Corruption (Dindigul) on the allegation of demanding and accepting bribe for issuing legal heir certificate to one Indiran. The petitioner was suspended from service by order, dated 30.04.2018 and she was released on bail. She made representation to the respondent to revoke the order of



suspension. The respondent did not pass any orders. The petitioner filed writ petition in W.P(MD)No.25201 of 2018 and this Court by order dated 03.01.2019 directed the respondent to consider the claim of the petitioner and pass orders on the representation of the petitioner. The respondent by the impugned order, dated 19.08.2019 rejected the request of the petitioner for revocation of suspension mentioning the letter dated 05.01.1996 of the Commissioner of Revenue Administrative, Chennai.

4. From the impugned order, it is seen that the respondent has rejected the request of the petitioner for revocation of suspension on the ground of pendency of criminal case. The said reason is not correct. In the judgment of **Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291**, the Hon'ble Apex Court held that when charge sheet in a criminal case or charge-memo in the disciplinary proceedings are not issued within three months from the date of suspension, the department must renew the order of suspension and pass orders either to continue the suspension or revoking the suspension. If the department decides to continue the suspension, the reasons for the same must be recorded. In the present case, the petitioner was suspended from service on 30.04.2018 and she is continued to be under suspension for more than 18 months. According to the learned counsel for the petitioner, the respondent has not initiated any departmental proceedings and no charge-sheet has been filed in the criminal case. Keeping the Government Servant under suspension for a long period is causing a stigma on the Government Servant. The Hon'ble Apex Court in the judgment referred to above, held that the order of suspension must be renewed once in three months and the department must consider the suspension and posting the Government Servant in any one of the non-sensitive post. In view of the judgment of the Hon'ble Apex Court referred to above, the reason for continuing the Government Servant as suspended for a long period as mentioned in the Government letter 19.08.2019 and mentioning the letter dated 05.01.1996 is no longer valid.

5. For the above reasons, the impugned order of the respondent dated 19.08.2019 is set aside. The respondent is directed to review the order of suspension taking into consideration the petitioner is under suspension from 30.04.2018 and for more than 18 months no progress in the criminal case and departmental proceedings.

6. In view of the above, the respondents are directed to consider the case of the petitioner revoking the suspension and posting the petitioner in a non-sensitive post in the light of *Ajay Kumar Choudhary Vs. Union of India* reported in (2015) 7 SCC 291, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above directions, the writ petition stands allowed. No costs.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The District Revenue Officer,
Dindigul,
Dindigul District.

+1 CC to M/s.S. KUMAR, Advocate (SR-101058[F] dated 25/11/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-101518[F] dated
26/11/2019)

W.P. (MD) No.23211 of 2019
25.11.2019

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