

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.01.2020
CORAM
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.572 of 2020
and
W.M.P. No.671 and 675 of 2020

A.R.Viswanathan

... Petitioner

Vs

The Principal Secretary and Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling records from the respondent relating to the Impugned suspension order G.D.C.No.E4/4016/2012 dated 03.02.2012.

For Petitioner : Mr.R.Rajaram
For Respondent : Mrs.Karthika Ashok
Standing Counsel.

O R D E R

This Writ Petition has been filed challenging the order of suspension passed by the respondent by proceedings dated 03.02.2012.

2. The case of the petitioner is that he joined service of the respondent Corporation as Assistant Engineer. In the year 2012, an FIR came to be registered against the petitioner by the Vigilance Anti Corruption Police in Crime No.01/2012 for offence under Section 7 of Prevention of Corruption Act 1988. The petitioner was therefore suspended from service by proceedings dated 03.02.2012.

3. The grievance of the petitioner is that the suspension is continuing from the year 2012 onwards and till date there is no progress either in the criminal case or in the departmental proceedings. Left with no other option, the present Writ Petition has been filed before this Court challenging the suspension order.

4. Heard Mr.R.Rajaram, learned counsel appearing on behalf of the petitioner and Mrs.Karthika Ashok, learned Standing Counsel for the respondent.

5. It is seen from the records that the suspension order has been pending against the petitioner for the last eight years. A charge memo was issued in the year 2017 and there is no progress in the criminal case also. It is not as if in all cases involving corruption that a delinquent employee can be kept in prolonged suspension. Useful reference can be made to the judgment of this Court in S.Raju vs. Electricity Board in W.P. No. 1196 of 2018 dated 25.07.2019. In the said judgment, this Court had considered all the earlier judgments and it was held that even in case involving corruption, a delinquent employee cannot be allowed to be kept prolonged suspension. This Court also held that a huge amount has been paid as subsistence allowance without extracting any work from the employee and this actually drains public exchequer. Therefore, in such cases it would be fit and proper if the employee is posted in non sensitive post and work is extracted from him before making any payment.

6. In the light of the above, this Writ Petition is disposed of with the following directions :

a) the respondent is directed to consider the representation made by the petitioner and pass suitable orders revoking order of suspension and placing the petitioner in a non sensitive post. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to give fresh representation to the respondent along with a copy of this order and

b) the respondent is directed to complete the departmental proceedings initiated against the petitioner within a period of three months from the date of receipt of a copy of this order. These proceedings can proceed independently irrespective of the criminal case pending against the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

bkn

To

The Principal Secretary and Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

W.P.No.572 of 2020
and

W.M.P. No.671 and 675 of 2020

SSV(CO)
CSR: 19.02.2020



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