

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2334 of 2020

and

WP.No.2716 of 2020

S.Govindarajan

...Petitioner

.v.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The District Collector,
Salem District,
Salem.

3.The District Revenue Officer,
Salem District,
Salem.

.... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Roc.No.20/2014/(A2) dated 29.04.2019 and the subsequent impugned order issued by the 2nd Respondent in Roc.No.20/2014/(A2) dated 30.04.2019 and to Quash the same and consequently directing the respondents to allow the petitioner to retire from service with all consequential retirement and other attendant benefits from the date of retirement along with interest.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

This Writ Petition has been filed challenging the suspension order passed by the 2nd respondent dated 29.04.2019, placing the petitioner under suspension and not allowing him to retire from service pending the departmental proceedings.

2.The case of the petitioner is that he was working as a Special Tahsildar and a criminal case came to be registered against him in Cr.No.27/2014, for various offences under the Indian Penal Code. Departmental proceedings were also initiated against the petitioner by issuing a Charge Memo to the petitioner on 19.04.2015. The grievance of the petitioner is that there was absolutely no progress either in the criminal case or in the departmental proceedings and the petitioner has been suspended from service and he has not been allowed to retire by the impugned order passed by the 2nd respondent.

3.The learned Government Advocate appearing on behalf of the 2nd respondent submitted that the Final Report has already been placed before the 2nd respondent and the 2nd respondent is now in the process of granting sanction for prosecuting the petitioner. The learned counsel further submitted that there are grave charges against the petitioner and therefore, the suspension order passed against the petitioner cannot be interfered at this stage. The learned counsel further submitted that the main charges that have been laid against the petitioner even in the Charge Memo, pertains to the criminal case that is pending against the petitioner.

4.The learned counsel for the petitioner submitted that there are totally five charges that have been laid against the petitioner and out of which, the first three charges pertains to the criminal case. The learned counsel submitted that the petitioner was kept under suspension on the verge of his retirement and none of the retirement benefits have been settled and therefore, sometime limit can be fixed for the completion of the criminal proceedings.

5.Taking into consideration the facts and circumstances of the case and the materials available on record, this Court is not inclined to interfere with the order of suspension passed by the 2nd respondent on 29.04.2019 and the consequent order of not allowing the petitioner to retire from service, dated 30.04.2019. It is also stated that the sanction will be granted by the 2nd respondent at any time and consequently the final report will also be filed by the District Crime Branch, Salem.

6.In view of the above discussion, there shall be a direction to the District Crime Branch, Salem, to file a final report in this case within a period of six weeks from the date of receipt of copy of this order. Immediately after the final report is filed, the concerned Court shall complete the criminal proceedings within a period of four months thereafter. The trial shall be conducted on a day to day basis.

This Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Salem District,
Salem.
- 3.The District Revenue Officer,
Salem District,
Salem.
4. The District Crime Branch,
Salem.

+1cc to the Government Pleader Sr.15132
+1cc to Mr.G.Sankaran, Advocate Sr.14501

W.P.No.2334 of 2020

sr[col]
srg 16/07/2020