

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2840 of 2020
and W.M.P Nos.3281 & 3283 of 2020

T.Dhanasekaran

Petitioner

vs.

The District Collector,
Collectorate,
Kancheepuram - 631 501.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to (i) the order bearing No.Rc.A3/13196/2017 revenue Department dated 22/07/2017 and (ii) the order bearing R.C.No.13196/2017 A3 dated 17/11/2019 on the file of the respondent and quash the same and consequently, direct the respondent to reinstate him in service and grant all consequential service and monetary benefits to him.

For Petitioner : Mr.K.P.Jotheeswaran

For Respondents: Mr.V.Prabhu
Government Advocate

ORDER

This writ petition has been filed challenging the order of suspension passed by the respondent dated 22.07.2017 and the consequent order of the respondent dated 17.11.2019 refusing to revoke the order of suspension.

2.The case of the petitioner is that he was working as a Tahsildar. Based on a complaint given, an FIR came to be registered in Crime No.4 of 2017 for offence under Prevention of Corruption Act, 1988. The petitioner, Revenue Inspector and the Revenue Divisional Officer were made as accused persons. Initially a suspension order was passed against all the three officials.

3.Since the suspension was continuing for a prolonged period, the Revenue Inspector made a representation to the respondent for revocation of the order of suspension. The

respondent by an order dated 21.02.2019 revoked the order of suspension passed against the Revenue Inspector and subsequently, he was also given posting orders.

4.The Revenue Divisional Officer who was also under prolonged suspension, approached this Court and filed W.P.No.22586 of 2018 and this Court passed an final order in the said writ petition on 09.01.2019 and directed the respondent to revoke the order of suspension and to post the officer in a non-sensitive post.

5.The petitioner made a representation to the respondent by pointing out to the fact that the suspension order against the other two officials has been revoked and requested the suspension of the petitioner also to be revoked. This was denied by the respondent by impugned proceedings dated 17.11.2019. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

6.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

7.In the considered view of this Court, once the suspension order of the other two officials viz., the Revenue Inspector and the Revenue Divisional Officer has been revoked, the petitioner cannot be treated differently, since, he was also involved in the very same case which resulted in his suspension from service. As held by this Court in the earlier orders passed in favour of the Revenue Divisional Officer and the Revenue Inspector, there shall be a direction to the respondent to revoke the suspension order passed against the petitioner and petitioner shall be posted in some non-sensitive post. Appropriate orders shall be passed in this regard, within a period of four weeks from the date of receipt of copy of this order.

8.This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ssr

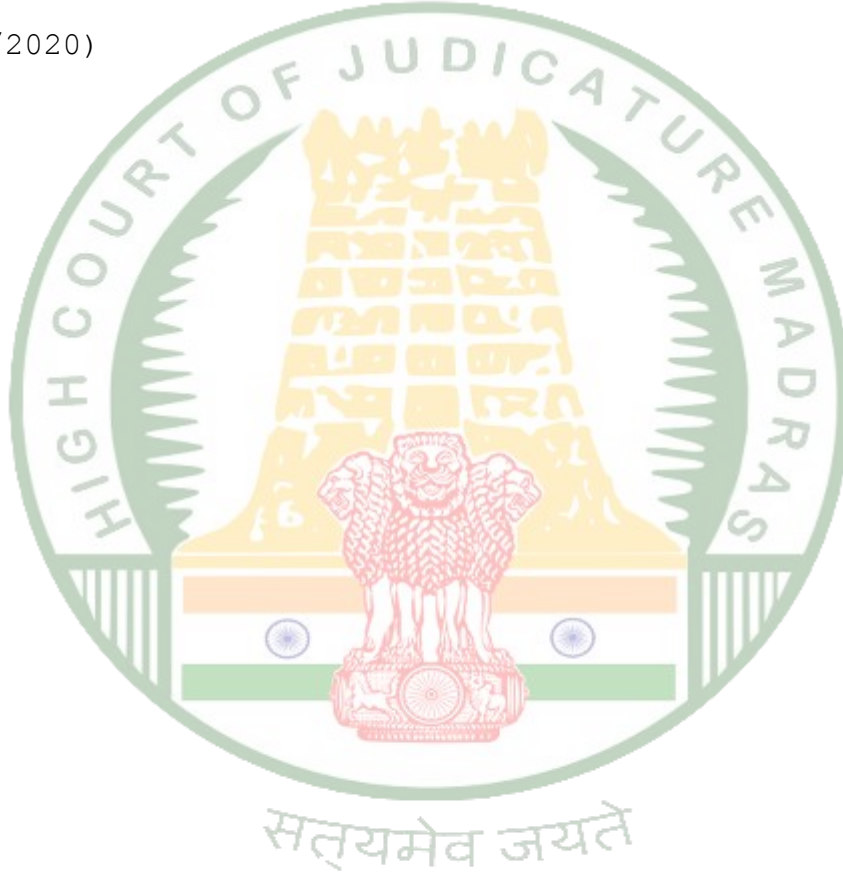
To

The District Collector,
Collectorate,
Kancheepuram - 631 501.

+lcc to Mr.K.P.Jotheeswaran, Advocate SR.No.15551

W.P No.2840 of 2020
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CP (CO)
GMY (20/03/2020)



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