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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.6088 of 2020
and
W.M.P.No.7153 of 2020

(Through Video Conferencing)

T. Ragu

...Petitioner

Vs

The Revenue Divisional Officer,
Cuddalore.

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings issued in A6/5795/2019 dated 30.11.2019 passed by the Respondent herein and quash the same and consequently direct the respondent to reinstate the petitioner into service.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner has filed this writ petition for a Certiorarified Mandamus, to call for the records of the respondent connected with the proceedings issued in A6/5795/2019 dated 30.11.2019 and quash the same and consequently direct the respondent to reinstate the petitioner into service.

2. The petitioner was placed under suspension on 30.11.2019. The petitioner was also arrested on 12.11.2019. It is the case of the petitioner that one of the legal heirs of the deceased Natesan, namely Loganathan, had manipulated records and prepared a fake Legal Heir Certificate dated 24.07.2019 as if the certificates were issued by the Village Administrative Officer, Thondamanatham Village.



3. On the strength of aforesaid certificate, the said Loganathan had approached Sub-Registrar, Kulanchanvadi to transfer the property without knowledge of other legal heirs of the deceased Natesan i.e., his brother and sisters in favour of his wife, namely Mahadevi who in turn sold the property to one Jayanthi (third party).

4. It is further case of the petitioner that when the petitioner came to know about the same, he informed the same to the Sub-Registrar, Kulanchanvadi on 29.08.2019 and asked him to cancel the registration.

5. The other son of the deceased Natesan appears to have lodged Police Complaint before the Land Grabbing Cell of Cuddalore. To this effect, F.I.R has been registered by the Special Branch Inspector of Police, Land Grabbing Cell against the petitioner on 29.11.2019. It is submitted that no preliminary enquiry was conducted by the police authorities and by the Revenue Department. Instead, the petitioner was placed under suspension by the respondent arbitrarily. It is further submitted that neither the signature in the fake Legal Heir Certificate dated 24.07.2019 was that of the petitioner nor the rubber stamp was hat of the petitioner in the capacity of Village Administrative Officer.

6. The learned counsel for the petitioner submits that though more than 1 ½ year have been lapsed after the petitioner was placed under suspension, neither a charge sheet has been filed against the petitioner nor any criminal proceedings have been initiated against the petitioner in C.S.R.No.1144 of 2019, which is under progressed.

7. The learned counsel for the petitioner further submits that the petitioner may be directed to be posted in any non-sensitive post in terms of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India and another, (2015) 7 SCC 291 : 2015 SCC Online SC 127.

8. In Paragraphs 14 & 15, the Hon'ble Supreme Court observed as under:-

"14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and



which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

15. So far as the facts of the present case are concerned, the Appellant has now been served with a Chargesheet, and, therefore, these directions may not be relevant to him any longer. However, if the Appellant is so advised he may challenge his continued suspension in any manner known to law, and this action of the Respondents will be subject to judicial review."

9. While making the above observation, though no relief was granted to the petitioner in the aforesaid case, the views expressed by the Hon'ble Supreme Court has been followed uniformly in several cases.

10. Since the petitioner was placed under suspension on 30.11.2019 and considering the fact that it is the petitioner who informed the authorities regarding the alleged fake document created by Loganathan, this Court is inclined to grant relief to the petitioner considering the fact that the petitioner has been suspended since 13.11.2019. Under these circumstances, the respondent is directed to reinduct the petitioner into service in any non-sensative post, where the petitioner may not get an opportunity to either tamper with the evidence or indulge in any corrupt practice of which he has been accused.

11. The respondent shall therefore ask the petitioner to report duty in such post within a period of two weeks from the date of receipt of a copy of this order preferably by 01.10.2021. The respondent shall also issue a charge memo to the petitioner within a period of four weeks and endeavour to complete the disciplinary proceedings preferably within a period of six months.

12. This Writ Petition stands disposed of with the above



observations. No costs. Consequently, connected Writ
Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arb

To

The Revenue Divisional Officer,
Cuddalore.

+1cc to the Government Pleader, S.R.No.43638

W.P.No.6088 of 2020 and
W.M.P.No.7153 of 2020

AJS (CO)
CT(20/09/2021)