



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR
W.P. No.13219 of 2021

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SathiyaArokiyaathan

.. Petitioner

Versus

1.The Commissioner of Municipal Administration,
Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2.The Regional Director of Municipal Administration,
J.G. Nagar,
1st Mani Road,
Kumaranthapuram,
Tiruppur - 2.

3.The Municipal Commissioner,
Udhagamandalam Municipality,
Nilgris District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceeding of the 3rd respondent in Roc.No.6974/2020/CI dated 21.08.2020 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to reinstate the petitioner to the post of Revenue Assistant, Udhagamandalam Municipality, Nilgiris.

For Petitioner : Mr.T.Balaji
For Respondents : No Appearance

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceeding of the 3rd respondent in Roc.No.6974/2020/CI dated 21.08.2020 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to reinstate the petitioner to the post of Revenue Assistant, Udhagamandalam Municipality, Nilgiris.

2.The petitioner was appointed by the 3rd respondent on 15.05.2006 as a Record Clerk. It is admitted that earlier the



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petitioner was employed as daily coolie. The petitioner was later promoted as Revenue Assistant in the year 2008. While the petitioner was in service, a complaint was received by the Vigilance Department against the petitioner for demanding bribe. Thereafter, a trap was set and the petitioner was arrested and remanded to judicial custody on 21.08.2020. The amount that was received by the petitioner was also confiscated. Since disciplinary proceedings were contemplated and the petitioner was arrested in connection with the criminal case on 21.08.2020, the petitioner was placed under suspension by the 3rd respondent vide his proceeding in ROC.No.6974/2020/C1 dated 21.08.2020. The petitioner was granted bail on 03.09.2020. Thereafter, the petitioner approached the respondents for revocation of the order of suspension by representation dated 28.09.2020. However, the respondents rejected the petitioner's representation on the ground that a criminal case is pending and that the petitioner's suspension cannot be revoked. In the said circumstances, the petitioner has approached this Court to quash the order of suspension.

3.The order of suspension is in contemplation of disciplinary proceedings and for the reason that the petitioner is facing criminal prosecution for committing grave offences. The petitioner has not pleaded any special circumstances in his case to quash the order of suspension or to revoke the order of suspension. The FIR indicates that the petitioner has demanded and accepted bribe while he was in service. Though the criminal case is under investigation, merely because the disposal of the criminal case will take some time, in a case of this nature, the petitioner cannot be allowed to continue in service in the same position. When the petitioner has been charged and facing criminal prosecution for grave offence, this Court will not interfere with the decision of the respondents which is purely in the interest of public and for securing better administration. In case for any reason, the criminal case is not disposed of within a reasonable time for no fault of petitioner, it is open to the petitioner to request for review of suspension.

4.In view of the above, this Court does not find any reason to entertain this writ and therefore, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

SSr

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Tiruppur - 2.

3.The Municipal Commissioner,
Udhagamandalam Municipality,
Nilgris District.

+1cc to Mr.A.Thiygarajan, Advocate SR.No. 29353

+1 cc to Government Pleader Sr.No. 29411

W.P. No.13219 of 2021

SKY (CO)

A.S(02.08.2021)