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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition No.11649 of 2020
and
WMP Nos.14282 and 14283 of 2020

(Through Video Conferencing)

N.Asalam Basha

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The District Revenue Officer,
Vellore,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings RC.A2.20293/2018, dated 29.08.2018 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with back wages, attendant benefits and other monetary benefits to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.LSM Hasan Fizal
Government Advocate

O R D E R

The petitioner was placed under suspension vide impugned order dated 29.08.2018. This impugned order precedes the arrest of the petitioner on 28.08.2018. He was arrested and thereafter remanded to judicial custody for a period of 15 days. It is the case of the petitioner that a false case has been foisted against him by the person when the petitioner tried to stop from smuggling red soil. It is the case of the petitioner that the



defacto complainant made a false complaint against him by stating that he had demanded a sum of Rs.25,000/- as bribe and that he was wrongly suspended and remanded to judicial custody.

2. On the other hand, it is the case of the respondent that it is the case of the trap order and the petitioner was caught red-handed while accepting a bribe of Rs.25,000/- from the defacto complainant on 28.08.2018 by the officers from the Vellore Vigilance and Anti Corruption Wing. It is further submitted that the chemical test confirms the same and currency notes were also recovered from the petitioner. The petitioner was placed under suspension from 29.08.2018. According to the respondent, the petitioner entitled for substance allowance in terms of G.O.Ms.No.180, Personnel and Administrative Reforms Department, dated 04.03.1983. It is notice that neither the Disciplinary Proceedings nor the Criminal proceedings has progressed.

3. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents and perused the materials available on record.

4. Considering the fact that the petitioner was caught red-handed with the money by the officers of the Vellore Vigilance and anti Corruption Wing while accepting bribe from one Thiru.R.Dinesh Kumar, the prayer of the petitioner to quash the suspension order cannot be entertained. At the same time, it is noticed that neither the Disciplinary Proceedings nor the Criminal Proceedings has progressed since 2018 and almost three years have lapsed. Considering the same, I direct the respondents to issue a charge memo to the petitioner within a period of 45 days from the date of receipt of a copy of this order. In case no charge memo is issued by the respondents, the respondents shall ask the petitioner to revert him to duty without any order.

5. This writ petition stands disposed in the above direction. Consequently, connected WMPs are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rrg



To

1.The District Collector,
Vellore District,
Vellore.

2.The District Revenue Officer,
Vellore,
Vellore District.

+lcc to the Government Pleader SR No.39429

W.P.No.11649 of 2020

NR (CO)
PR (24/08/2021)