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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.13600 of 2020
and
W.M.P.Nos.16891 & 16892 of 2020

(Through Video Conferencing)

L.S.Raja

... Petitioner

Vs

1. The Engineer in-Chief
& Chief Engineer (General),
Public Works Department, WRD,
Chepauk, Chennai - 5.
2. The Superintending Engineer (Buildings),
Construction & Maintenance Circle,
Public Works Department,
Medical Works, Chepauk,
Chennai - 600 005.
3. The Executive Engineer,
Public Works Department,
Building (Construction) Division II,
Medical Works, Chepauk,
Chennai - 600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in his Proc.No.E2/642/2018 dated 30.03.2018 and Proc.No.A.O./642/2019 dated 10.01.2020 and quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits and grant such other relief.

For Petitioner : Mr.K.Venkataramani
Senior Counsel for
Mr.M.Muthappan

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



ORDER

The Petitioner has placed under suspension pursuant to the impugned order dated 30.03.2018. Allegations against the petitioner was that the petitioner recommended the name of Tr.S.Sivalingam to Tr.Arun Goyal, the Accountant General, for the purpose of appointment and had offered and paid a sum of Rs.5,00,000/- to the Accountant General.

2. The learned Senior Counsel for the petitioner submits that the Tr.Arun Goyal along with three others which included with the petitioner were placed under suspension. The learned Senior counsel submits that Tr.Arun Goyal opted for voluntary retirement from service which was accepted by the Government subject to final outcome of the proceedings initiated against him. He further submits that proceedings initiated has been dropped as far as one of the other delinquent Gajendran and an order has been passed by this Court in W.P.No.13648 of 2020 dated 16.07.2021 in a Writ Petition filed by S.Sivalingam by directing the respondents to reconsider the decision in the impugned order suspending him, in the light of acceptance of the voluntary retirement service of Tr.Arun Goyal and revocation of the suspension order of Gajendran.

3.The learned Senior Counsel states that similar order may be passed in this writ petition also.

4.Heard the learned counsel for the petitioner and the respondent.

5.Already an order has been passed in W.P.No.13648 of 2020, filed by the S.Sivalingam who is one of the co-accused along with the petitioner herein. In the said order, this Court has granted liberty to the petitioner therein to make appropriate representation to the respondents to review the order of suspension, within a period of two weeks from the date of receipt of a copy of this order. The second respondent was also directed to consider the same and pass appropriate orders on merits, in accordance with law. Since the facts are identical and arises out of the same disciplinary proceedings, this Court is inclined to pass similar order by directing the petitioner to file an appropriate representation. The respondents is directed to review the order of suspension. Such representation shall be made within a period of two weeks from the date of receipt of a copy of this order. The respondent shall thereafter be considered and appropriate orders shall be passed, in accordance with law.



6. This Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Engineer in-Chief
& Chief Engineer (General),
Public Works Department, WRD,
Chepauk, Chennai - 5.
2. The Superintending Engineer (Buildings),
Construction & Maintenance Circle,
Public Works Department,
Medical Works, Chepauk,
Chennai - 600 005.
3. The Executive Engineer,
Public Works Department,
Building (Construction) Division II,
Medical Works, Chepauk,
Chennai - 600 005.

+1CC to Mr.M.Muthappan, Advocate, Sr.No.37995
+1CC to Government Pleader, Sr.No.38794

W.P. No.13600 of 2020
and
W.M.P.Nos.16891 & 16892 of 2020

LN (CO)
K.RK. (24.08.2021)