



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :16.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13648 of 2020

and

WMP.Nos.16961 & 16962 of 2020

S.Sivalingam

... Petitioner

Vs.

1. The Engineer-in-Chief
& Chief Engineer (General),
Public Works Department, WRO,
Chepauk, Chennai-5.
2. The Superintending Engineer (Buildings),
Construction & Maintenance Circle,
Vellore.
3. The Executive Engineer,
Public Works Department (Buildings),
Construction & Maintenance,
Thiruvannamalai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in connection with the impugned order passed by him in his Proc. No.E2/699/2018 dated 28.03.2018 and to quash the same and direct the respondents to reinstate the petitioner into service and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani, Sr. Counsel
for Mr.M.Muthappan

For Respondents : Mr.K.Tippu Sultan, GA

O R D E R

The present Writ Petition is heard through Video Conferencing today.

2. The petitioner herein was placed under suspension through an impugned order dated 28.03.2018, on the allegations that he was arrested on 23.03.2018, for making payment of illegal gratification of Rs.5 lakhs to the Accountant General



through one Mr.Gajendran, Senior Accounts Officer for making preferable posting of Divisional Accountant. In connection with such an allegation, a criminal case under the provisions of the Prevention of Corruption Act, 1988 and the Indian Penal Code was registered against the petitioner by the Central Bureau of Investigation, Anti Corruption Branch, Chennai.

3. Though the petitioner herein has challenged the order of suspension in the present Writ Petition, the learned Senior counsel for the petitioner submitted that the petitioner has been kept under prolonged suspension i.e., from 28.03.2018 onwards. Even the investigation in the criminal case has not been completed and the charge sheet is not yet filed. Further, he submitted that the respondents had not taken any departmental action against the petitioner and therefore, he sought for a direction to the respondents to review the order of suspension on the ground that one of the co-accused was allowed to retire on Voluntary Retirement Scheme and the other co-accused has been reinstated into service. The request of the learned Senior counsel seems to be reasonable.

4. Apparently, the petitioner has been kept under suspension for more than three years and there does not seem to be much improvement neither in the criminal case nor has any departmental action initiated against the petitioner. In this scenario, it would be appropriate to direct the respondents to review the original order of suspension.

5. In this connection, the petitioner is granted liberty 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 and on receipt of the same, the second respondent herein shall consider such a representation on its own merits and pass appropriate orders in accordance with law, preferably, within a period of two weeks from the date of receipt of the representation.

6. With the above direction, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

DP

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



To

1. The Engineer-in-Chief
& Chief Engineer (General),
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Chepauk, Chennai-5.

2. The Superintending Engineer (Buildings),
Construction & Maintenance Circle,
Vellore.

3. The Executive Engineer,
Public Works Department (Buildings),
Construction & Maintenance,
Thiruvannamalai.

+1CC to Mr.M.Muthappan, Advocate, Sr.No.34199

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UM (CO)
K.RK. (30.07.2021)