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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19199 of 2021

(Through Video Conferencing)

K.Logambal

... Petitioner

Vs

1. The Revenue Divisional Officer,
Thiruchengode Division,
Thiruchengode, Namakkal District.

2. The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus or any other suitable Writ or direction to direct the first respondent to consider the Petitioner's representation dated 10.03.2021 on merits and appoint the Petitioner as a Village Administrative Officer in any of the village in Paramathi Velur.

For Petitioner : M/s.R.Jeevitha

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

ORDER

The petitioner has been placed under suspension on 10.10.2020. It is the case of the petitioner that a false representation was made by one of the person stating that the petitioner had demanded a bribe. The learned counsel for the petitioner submits based on a false complaint FIR has been



registered in Cr.No.02/AC/2020 under section 7(a) of the Prevention of corruption (Amendment) Act, 2010.

2.It is the case of the petitioner that based on a false complaint petitioner continues to be under suspension. The petitioner has also sent representation dated 10.03.2021 to the respondent to re-consider the decision suspending the petitioner or any other posts.

3.The learned counsel for the respondent submits that the case is pending against the petitioner in Cr.No.02/AC/2020 under the aforesaid provisions of the Prevention of corruption (Amendment) Act, 1988 as amended. Under these circumstances, a charge memo could not be issued. It is submitted that until the criminal proceedings are completed a charge memo cannot be issued.

4.Heard the learned counsel for the petitioner and the respondent also also perused the impugned suspension order dated 10.10.2020 and the representation of the petitioner. The fact that the petitioner has been placed under suspension shows that respondents cannot re-instate the petitioner. An FIR has been filed against the petitioner on 08.10.2020 which is under the actual consideration of the respondent.

5.The criminal proceedings and the disciplinary proceedings are to be disposed independently.

6.Considering the fact that the petitioner has been placed under suspension as early as 10.10.2020, this Court is inclined to dispose this writ petition by directing the respondents to dispose the petitioner's representation dated 10.03.2021 within a period of 12 weeks from the date of receipt of a copy of this order. Liberty is also given to the respondents to issue appropriate charge memo based on the evidence on record to the petitioner within the aforesaid period. In case, no charge memo is issued such period, the respondents shall ask the petitioner to report the duty at the expiry of 12th week from the date of receipt of a copy of this order, to any other place where the petitioner will not have an opportunity tamper with the evidence against him in the criminal proceedings and in the departmental proceedings.



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7. Writ petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Thiruchengode Division,
Thiruchengode, Namakkal District.

2. The Tahsildar,
Paramathi Velur Taluk,
Namakkal District

+1cc to M/s.R.Jeevitha, Advocate, S.R.No.46072

+1cc to the Government Pleader, S.R.No.46852

W.P.No.19199 of 2021

GPL(CO)
SB(22/10/2021)