



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18667 of 2018

and

WMP.Nos.22001 & 22002 of 2018

A.Sankara Narayanan

... Petitioner

Vs.

The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Villupuram,
Villupuram District.

...Respondent

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 proceedings of the respondent issued in A1/3303/13 dated 01.08.2013 and to quash the same with the consequential direction, directing the respondent to reinstate the petitioner into service with all attendant and monetary benefits.

For Petitioner : Mr.V.Ravikumar

For Respondent :Mr.K.V.Sajeev Kumar
Government counsel

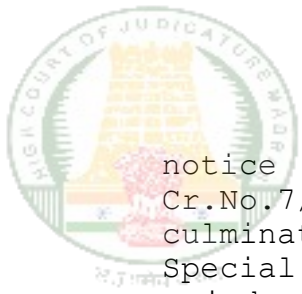
O R D E R

The present Writ Petition is heard through Video Conferencing today.

2. Heard Mr.V.Ravikumar, learned counsel for the petitioner and Mr.K.V. Sajeev Kumar, learned counsel appearing on behalf of the official respondent.

3. Through the impugned order dated 01.08.2013, the petitioner was placed under suspension from his services as a Village Administrative Officer, for the only reason that he was implicated in a criminal case in Cr.No.7/AC/2013/VPM. The said order of suspension is put under challenge in the present Writ Petition.

4. Apart from quoting his involvement in the criminal case, no other reason has been assigned in the impugned order of suspension dated 01.08.2013. It is now brought to the



notice of this Court that the criminal case in Cr.No.7/AC/2013/VPM, in which the petitioner was involved, culminated into Spl. C.C.No.70 of 2014 before the learned Special Judge, Prevention of Corruption Act, Villupuram and by a judgment dated 17.12.2019, the petitioner was acquitted from the criminal charges.

5. The learned Advocate appearing on behalf of the Government on written instructions from the respondent herein, submitted that the respondents do not intend to file any appeal against the order of acquittal.

6. Since the only ground on which the petitioner was placed under suspension is on account of his involvement in the criminal case and now that, the criminal case thus has been closed and the petitioner has been acquitted from the criminal case, the order of suspension cannot be continued any further.

7. Though the criminal case has ended in acquittal, the petitioner herein being a Government employee, had given room for being implicated in a criminal case and the respondent herein was constrained to place him under suspension in view of the pendency of the criminal case, which is the appropriate procedure to be adopted against the Government servant involving in offence relating to Prevention of Corruption Act. Hence, the petitioner's non-employment during the period of suspension, may not allure to his benefit, insofar as the payment of the regular wages is concerned. It is needless to point out that the petitioner would however be entitled for the subsistence allowance during the period of suspension.

8. In the light of the above observations, the impugned order passed by the respondent herein dated 01.08.2013, is hereby set aside and consequently, the respondent herein shall reinstate the petitioner, back into service, atleast within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the petitioner herein shall be entitled for continuity of service during the period of suspension, but shall not be entitled for the monetary benefits, except for the subsistence allowance.

9. The Writ Petition stands allowed accordingly. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



To

The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Villupuram,
Villupuram District.

+1cc to Mr.V.Ravikumar, Advocate, S.R.No. 33414

W.P.No.18667 of 2018
and
WMP.Nos.22001 & 22002 of 2018

JPL (CO)
GN (09/08/2021)