



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20599 of 2021

and

W.M.P.Nos.21853 & 21855 of 2021

(Through Video Conferencing)

K.Ganesan

... Petitioner

Vs

The District Revenue Officer,
Erode District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the respondent vide Proceedings Na.Ka.No.6238/2020/A4 dated 06.09.2021 and also the impugned order of suspension issued by the respondent vide Proceedings Na.Ka.No.6238/2020/A4 dated 27.02.2020 and to quash the same and consequently direct the respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.S.Vijayakumar

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

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondent.

2.The petitioner was placed under suspension by an order dated 27.02.2020. The petitioner had earlier filed W.P.No.12907 of 2021 challenging the aforesaid order and orders pursuant to a representation dated 03.11.2020 of the petitioner. The said writ petition was disposed by an order dated 21.06.2021 by directing the respondents to consider the petitioner's representation dated 03.11.2020 on merits and in accordance with law. The respondent has passed impugned order. The petitioner has challenged the aforesaid order on the ground that the impugned order has been passed by placing reliance on letter dated 26.04.2016 bearing reference Letter (Ms) No.43/N/2015-3.



petitioner was involved in taking bribe is being proceeded both criminal and dealt with departmentally and therefore the petitioner cannot be reinstated into the service.

4.I have considered the arguments advanced by the learned Counsel for the petitioner and the learned Government Advocate for the respondents.

5.It is noticed that the petitioner was working as a Senior Revenue Inspector, Erode in Revenue Divisional Office. Considering the fact that the petitioner has been placed under suspension since 27.02.2020. The respondents are directed to reinstate the petitioner into service in non-sensitive post within a period of 30 days from the date of receipt of a copy of this order. Where the petitioner will have no opportunity to either tamper with the evidence against him or indulge in any corruption as neither a charge memo has been issued so far nor the criminal proceedings has progressed further. In case, the respondents issue a charge memo, an appropriate decision can be taken at that stage as to whether the petitioner is to be suspended or can be allowed in service.

6.This Writ Petition stands disposed in the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The District Revenue Officer,
Erode District.

+1cc to Mr.S.Vijayakumar, Advocate SR.No.49630
+1cc to Government Pleader SR.No.50488

W.P.No.20599 of 2021
and
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AK-II (CO)
SB(12/11/2021)