



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 30.09.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition Nos.21100 of 2021  
and  
W.M.P.Nos.22358 of 2021

(Through Video Conferencing)

N.Nirmal Kumar

...Petitioner

Vs.

The Assistant Director of Survey and land Records,  
Coimbatore - 641 018.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of impugned suspension order issued by the Respondent in R.C.A7/927/2021 dated 13.02.2021, quash the same and to issue direction to reinstate the Petitioner into service and to grant all the service benefits within the stipulated time limit as prescribed by this Court.

For Petitioner : Mr.R.Baskardoss

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

O R D E R

In this writ petition, the Petitioner has challenged the impugned suspension order dated 13.02.2021. It is the case of the Petitioner that the Petitioner has sent a representation dated 23.08.2021 and had requesting the Respondent to re-call the impugned suspension order and also to pay the subsistence allowance.

2. The facts indicate that the proceedings have been initiated against the Petitioner by the Vigilance and Anti Corruption Department for allegedly demanding bribe for transfer of patta. The criminal proceedings in the form of FIR indicate that the Petitioner's brother was also involved in the alleged demand of bribe. The Petitioner was also arrested and remanded



to the judicial custody and thereafter released on bail by the learned Special Judge, Special Court for Trial and Prevention of Corruption Act, Coimbatore.

3. Considering the facts and circumstances of the case, this Court is not inclined to entertain this writ petition. However, this Court is inclined to dispose this writ petition by directing the Respondent to issue appropriate charge memo and thereby initiate a Disciplinary Proceedings within the period of three months from the date of receipt of copy of this order. In case no such charge memo is issued to the Petitioner, the Respondent may reinstate the petitioner in any non sensitive post where the petitioner may not get an opportunity to either indulge in corruption or tamper with the evidence against him both in the Disciplinary Proceedings and in the Criminal Proceedings that is pending against the petitioner. Since the Petitioner was placed under suspension on 13.02.2021, the claim for subsistence allowance is justified. The impugned suspension order also states that the subsistence allowance to be paid to the Petitioner. Therefore, the Respondent is directed to pay the monthly subsistence allowance including the arrears to the Petitioner within a period of 30 days from the date of receipt of copy of this order.

4. This writ petition stands disposed in the above observation. No costs. Consequently, connected WMP is closed.

s/d-  
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rrg  
To

The Assistant Director of Survey and land Records,  
Coimbatore - 641 018.

+1 CC to Mr. Baskaradoss, Advocate sr 51107  
+1 CC to The Government Pleader sr 51581.

W.P.No.21100 of 2021

MG(CO)  
SP(22/10/2021)