



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.21141 OF 2021

AND

W.M.P.NOS.22432 & 22434 OF 2021

(Through Video Conferencing)

R.Venkatesan

... Petitioner

.Vs.

1. The District Collector,
O/o.The District Collectorate,
Vellore - 632 009.

2. The Personnel Assistant (Development),
The District Collector,
O/o.The District Collectorate,
Vellore - 632 009.

...
Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent in connection with the suspension order in Proceedings Na.Ka.Pa.Aa.1/2856/2015 dated 28.07.2015 and quash the same.

For Petitioner : Mr.J.Shanmuga Sundara Babu

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

ORDER

The petitioner was placed under suspension by an order dated 28.07.2015. A complaint was also filed by the Vigilance & Anti-Corruption Department, Vellore Detachment, Vellore. Pursuant to which, an F.I.R also came to be registered on 26.03.2015 in Cr.No.4 of 2015.



2. The learned counsel for the petitioner submits that the charge sheet has been recently filed pursuant to which the case has been taken on the file of the Chief Judicial Magistrate, Vellore in Spl.Case 7 of 2017 along with Spl.Case.Nos.8 and 9 of 2017.

3. The learned counsel for the petitioner further submits that the District Collector has also written a letter to the Inspector of Police, Anti- Corruption in Vigilance Department on 19.01.2021 to the effect that the petitioner can be deputed in any other non-sensitive post. The petitioner has now filed this writ petition for quashing the suspension order dated 28.07.2015 issued by the 2nd respondent.

4. Considering the fact that a criminal case is pending against the petitioner and a charge memo has been issued to the petitioner by the 2nd respondent, the prayer of the petitioner cannot be entertained at this stage. The Chief Judicial Magistrate, Vellore may however endeavour to complete the criminal proceedings initiated in Spl.Case.Nos.7,8, and 9 of 2017 within a period of 12 months from the date of receipt of a copy of this order.

5. Likewise, the 2nd respondent who has initiated the disciplinary proceedings against the petitioner by issuing a charge memo dated 13.04.2017 shall also endeavour to complete the disciplinary proceedings within the aforesaid period. The Authorities concerned are however at liberty to consider the recommendation of the District Collector dated 19.01.2021, as to whether the petitioner can be reinstated into service, considering the fact that, there is considerable lapse of time since the initiation of criminal proceedings and disciplinary proceedings against the petitioner.

6. This writ petition is disposed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jas



To

1. The District Collector,
O/o.The District Collectorate,
Vellore - 632 009.
2. The Personnel Assistant (Development),
The District Collector,
O/o.The District Collectorate,
Vellore - 632 009.

+1cc to Mr.J.Shanmuga Sundara Babu, Advocate, S.R.No.51014
+1cc to the Government Pleader, S.R.No.51992

W.P.NO.21141 OF 2021 AND
W.M.P.NOS.22432 & 22434 OF 2021

RSI (CO)
PBS/15/11/2021