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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22167 of 2021

and

W.M.P.Nos.23401 & 23402 of 2021

(Through Video Conferencing)

T.Poosa Thurai

... Petitioner

Vs.

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Chennai - 600 009.

2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

3.The Deputy Inspector General of Registration,
Sangara Naidu Street,
Thiruppapuliyur,
Cuddalore - 607 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of deemed suspension passed by the 3rd respondent in his Proc.No.869/A/2021, dated 16.03.2021 and quash the same and consequently direct the Respondents to reinstate the petitioner into service.

For Petitioner : Mr.R.Kannan for
M/s.Veera Associates

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

O R D E R

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

2.The petitioner was placed under suspension on 16.03.2021, after a FIR was registered on 10.03.2021 by the



Director of Vigilance and Anti Corruption. The allegations against the petitioner was that the petitioner had demanded a sum of Rs.5,000/- as bribe to registering the document.

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3.It is the case of the petitioner that a false case has been foisted against the petitioner and therefore the impugned suspension order is liable to be revoked.

4.Appearing on behalf of the respondent, the learned Government Advocate submits that the petitioner was admittedly had remanded a bribe and therefore the Vigilance and Anti-Corruption Department had placed a trap order caught him red handed and thereafter the petitioner was remanded to judicial custody and released on bail. He submits that further investigation is going on and therefore the petitioner cannot be reinstated as it would hamper the investigation.

5.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

6.The fact of case is that an FIR has been registered against the petitioner on 10.03.2021. The fact that the respondents have placed under suspension by an order dated 06.03.2021 and that the petitioner was arrested indicates that there were sufficient grounds to suspend the petitioner from service.

7.The respondents are therefore directed to issue a appropriate charge memo for initiating the disciplinary proceedings against the petitioner within a period of four months from the date of receipt of a copy of this order. In case, the respondents fail to initiate such disciplinary proceedings by issuing the charge memo within the aforesaid period, the respondent shall re-consider the case of the petitioner to reinstate the petitioner into the service in any non sensitive posts, the petitioner will not get an opportunity to either resort to corruption or tamper with the evidence against him in the proposed departmental proceedings and in the criminal proceedings initiated pursuant to FIR lodged against the petitioner in Cr.No.03/21 in the Cuddalore Vigilance and Anti Corruption.

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

Sd/-
Assistant Registrar

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To

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RR(CO)

GMV(08/12/2021)