



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19119 of 2020
and
W.M.P.Nos.23690 & 23692 of 2020

(Through Video Conferencing)

P.Karthik

... Petitioner

Vs

The Chief Engineer (Agrl. Engg),
Agricultural Engineering Department,
Nandanam, Chennai - 600 035.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the respondent in proceedings Proc.No.DC2/40340/2019 dated 08.11.2019 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

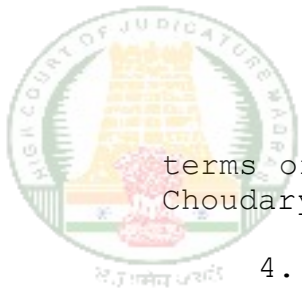
For Respondent : Mr.L.S.M.Hasan Fikal
Government Advocate

ORDER

This writ petition has been filed challenging the suspension order dated 08.11.2019 suspending the petitioner from service.

2. It is the case of the petitioner that the petitioner was suspended on 05.11.2019 and no charge sheet was issued to the petitioner within three months of the suspension.

3. The learned counsel for the petitioner submits that the petitioner can be accommodated in any non-sensitive post in



terms of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs Union of India, (2015) 7 SCC 291.

4. Opposing the prayer of the petitioner, the learned Government Advocate for the respondents submits that the petitioner was arrested in a trap proceedings under the provisions of the Prevention of Corruption Act, 1988 and was remanded to judicial custody till 22.11.2019 in Crime No.7 of 2019.

5. It is submitted that a charge memo has been issued on 18.12.2020 and the petitioner has filed his reply/representation on 05.01.2021. It is further submitted that a charge sheet has also been filed on 06.01.2021 under Section 173 of Cr.P.C in Spl.C.No.3 of 2021 before the Chief Judicial Magistrate/Special Judge, Karur.

6. Considering the fact that a charge memo has been issued to the petitioner and charge sheet in the aforesaid criminal proceedings, this Court is inclined to dispose this writ petition by directing both the Disciplinary Authority and the learned Chief Judicial Magistrate/Special Judge to expedite the proceedings and dispose the same within a period of six months from the date of receipt of this order. In case the proceedings are completed with the aforesaid period, the respondent shall reinduct the petitioner in any non-sensitive post pending completion of the disciplinary proceedings.

7. This Writ Petition stands disposed with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Chief Judicial Magistrate /
Special Judge,
Karur.



2. The Chief Engineer (Agrl. Engg),
Agricultural Engineering Department,
Nandanam, Chennai - 600035.

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+1cc to Mr.R.Prem Narayan , Advocate, S.R.No.41200

+1cc to the Government Pleader, S.R.No.42037

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and
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SSV(CO)
SU(09/09/2021)