



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22740 of 2021

and

W.M.P.Nos.23959 & 23960 of 2021

(Through Video Conferencing)

M.K.Selvam

...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, Thirupapuliur,
Cuddalore - 607 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of deemed suspension passed by the third respondent in his Proc.No.869/A/2021-2, dated 16.03.2021 and quash the same and consequently direct the respondents to reinstate the petitioner into service.

For Petitioner : Mr.G.Kannan
for M/s.Veera Associates
For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

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



2. This writ petition is disposed at the time of admission considering the limited scope of prayer in this writ petition.

3. The petitioner was placed suspended on 16.03.2021 with effect from 10.03.2021 pursuant to a complaint registered by Vigilance and Anti Corruption Wing/Department, Cuddalore in Crime No.3 of 2021. The allegation was that the petitioner was allegedly resorted to corruption and was caught red-handed. The petitioner has sent representations dated 26.07.2021 and 02.09.2021 to the first and second respondents. It is submitted that the representations for recalling the order of suspension have not evoked any positive response from the first and second respondents.

4. Appearing on behalf of the respondents, the learned Government Advocate submits that the petitioner was caught red-handed during the trap order and was arrested on 10.03.2021 and further investigation are on and therefore no orders have been passed so far on the representations of the petitioner.

5. The Decisions of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India and another, 2015 (7) SCC 291 and in State of Tamil Nadu Vs Promod Kumar IPS and another, 2018 (17) SCC 677 hold that a Government servants cannot be kept under suspension for a period of three months from the date of suspension.

6. Considering the fact that the petitioner has been allegedly involved in a criminal case attracting the penal provisions under the provisions of the Prevention of Corruption Act, 1988, the respondents are directed to consider the representations of the petitioner and pass appropriate orders within a period of four months from the date of receipt of a copy of this order on merits. The respondents are also directed to issue appropriate charge memo within the aforesaid period.

7. The respondents are at liberty to consider the case of the petitioner by posting the petitioner in any non-sensitive post where the petitioner may not get an opportunity to either tamper with the evidence against him in the proposed disciplinary proceedings or in the criminal proceedings that has been initiated against him by the Vigilance and Anti Corruption Wing/Department. The petitioner is directed to cooperate with the respondents in the proposed disciplinary proceedings and in the criminal proceedings.



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

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arb

To

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, Thiruppapuliur,
Cuddalore - 607 001.

+1CC to Mr.Government Pleader, Sr.No.55819

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and
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SR (CO)
K.RK. (29.11.2021)