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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.23014 of 2021
and
W.M.P.Nos.24207 & 24209 of 2021

(Through Video Conferencing)

G.Athibhagavan

... Petitioner

Vs.

The District Collector,
Villupuram District, Villupuram.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by the respondent in Ref.A1/15938/2019 dated 20.06.2019 and the subsequent rejection order passed by him in A1/15938/2019 dated 19.06.2020 and to quash the same and direct the respondent to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr.S.Sivakumar

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

ORDER

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

2. The petitioner was placed under suspension by an order dated 20.06.2019. It is noticed that a criminal complaint has



also been filed against the petitioner on 19.06.2019 in Crime No.10 of 2019 which is now being prosecuted in Spl.C.C.No.4 of 2020 before the Special Court, Villupuram. During the interregnum, the respondent has also issued a charge memo on 30.04.2021 under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

3. It is the case of the petitioner that the petitioner has also sent an interim representation/reply and has asked for the documents. The learned counsel for the petitioner has placed reliance on the order passed by this Court in W.P.No.10494 of 2020 dated 06.08.2021.

4. Appearing on behalf of the respondent, the learned Government Advocate submits that though the respondent has issued a Charge Memo, it is unable to proceed with the disciplinary proceedings inasmuch as the criminal proceedings in Spl.C.C.No.4 of 2020 which is pending before the Special Court, Villupuram.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent. I have perused the impugned suspension order and the order passed by this Court and that of the decision 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.

6. Since the petitioner has been placed under suspension for a prolonged period of time, this Writ Petition is disposed by directing the respondent to complete the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order.

7. Pending Completion of the disciplinary proceedings, the respondent may consider the request of the petitioner and reinstate the petitioner in any non-sensitive post where the petitioner will not get an opportunity to either tamper with the evidence against him in the proposed disciplinary proceedings or in the criminal proceedings that is pending against him before the Special Court, Villupuram. The respondent is also directed to take steps to bring closure to the criminal proceedings within a period of eighteen months from the date of receipt of a



copy of this order. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

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//True Copy//

Sub Assistant Registrar

arb

To

The District Collector,
Villupuram District, Villupuram.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.55611
+1cc to the Government Pleader, S.R.No.55831

W.P.No.23014 of 2021
and
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PA(CO)
SB(09/11/2021)