



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.8645 of 2021

T.Viji

... Petitioner

-Vs-

The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the representation of the petitioner, dated 05.04.2021 to revoke the suspension order issued by the respondent vide R.C.No.A6/9810/2019, dated 13.03.2019.

For Petitioner : Mr.T.Antony Arulraj
For Respondent : Mr.C.Ramesh
Special Government Pleader

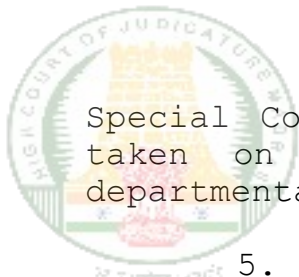
ORDER

This Writ Petition is filed to direct the respondent to consider the representation of the petitioner, dated 05.04.2021 to revoke the suspension order issued by the respondent, vide R.C.No.A6/9810/2019, dated 13.03.2019.

2. Mr.C.Ramesh, learned Special Government Pleader takes notice on behalf of the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, while she was working as Deputy Tahsildar, Taluk Office, Palayamkottai, Tirunelveli District, a false complaint was given against her by one Ravi that she demanded a sum of Rs.5,000/- as bribe to run a quarry. Based on the said complaint, FIR was registered in Cr.No.5 of 2019, on the file of the Vigilance and Anticorruption Wing, Tirunelveli, for the offences under Section 7 of Prevention of Corruption Act (Amendment) 2018. The petitioner was suspended from service with effect from 13.03.2019.

4. The learned counsel appearing for the petitioner submitted that investigation was completed in the criminal case and the charge sheet was also filed and the same was committed to the learned



Special Court for Prevention of Corruption Cases, Tirunelveli and taken on file in Special C.C.No.1 of 2020. There was no departmental proceedings initiated against the petitioner.

5. From the above materials, it is seen that the petitioner was suspended from service with effect from 13.03.2019 in view of the criminal case registered against her. The Investigation Officer has completed the investigation and charge sheet was also filed and the same was taken on file in Special C.C.No.1 of 2020. The Hon'ble Apex Court and this Court deprecated the practice of keeping an employee under suspension for a long period.

6. The Hon'ble Apex Court in ***Ajay Kumar Choudhary Vs. Union of India*** reported in ***(2015) 7 SCC 291*** has held that if any suspension order is issued the authorities competent must ensure that if any proceedings has been initiated against the suspended employee and the same must be concluded within a reasonable period of time without causing any undue delay. If employer decides to continue the suspension, they must record reasons for the same. In the present case, the order of suspension is not revoked even after a lapse of one year.

7. For the above reasons, the impugned order of the respondent, dated 13.03.2019, is set aside. The respondent is directed to review the order of suspension taking into consideration the fact that the petitioner is under suspension from 13.03.2019.

8. In view of the above, the respondent is directed to consider the case of the petitioner, revoking the suspension and transfer and posting him in a non-sensitive post in the light of ***Ajay Kumar Choudhary Vs. Union of India*** reported in ***(2015) 7 SCC 291***, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate /

<https://hcservices.ecourts.gov.in/hcservices/>



litigant concerned.

To

The District Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-17792[F] dated
28/04/2021)

+1 CC to M/s.SPL GP (SR-17916[F] dated 28/04/2021)

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27.04.2021

AS (24.05.2021) 3P 4C