



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8864 of 2022

and

W.M.P.Nos.8693 & 8694 of 2022

M.Sethuraj

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Revenue Administration and Disaster
Management Department,
Fort St.George,
Chennai - 9.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.

3. The District Collector,
O/o the District Collector,
Collectorate,
Erode.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the third respondent vide proceedings Rc.No.6713/2021/A3 dated 09.03.2021 and to quash the same and consequently direct the third respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.S.Prabhakaran
Government Advocate

O R D E R

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the third respondent vide proceedings Rc.No.6713/2021/A3 dated



09.03.2021 and to quash the same and consequently direct the third respondent to reinstate the petitioner in service with all attendant benefits.

2.1. The case of the petitioner in brief:

The petitioner herein while serving as a Tahsildar, the Inspector of Police, Vigilance and Anti Corruption Department, Erode, registered a case against the petitioner in FIR No.2/AC/2016/ER dated 16.02.2016 under Section 7, 13(2) r/w 13 (1)(d) of Prevention of Corruption Act, 1988 which is still pending, even after a lapse of six years. Thereafter, the 3rd respondent issued an order of suspension against the petitioner vide proceedings No.Rc.6713/2021/A3 dated 09.03.2021 invoking Rule 17(e)(1)(ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for the said criminal case, which is under trial. Thereafter he filed W.P.No.7389 of 2021 before this Court wherein, the respondents were directed to review the suspension order. Subsequently, he has filed W.A.No.1813 of 2021 to set aside the findings, which is pending before this Court

2.2. At that stage, the Director of Vigilance and Anti Corruption Department submitted a closure report before the Chief Judicial Magistrate, Erode vide Cr.No.02/2016/AC/ER dated 08.11.2021, stating that no material evidences are available to proceed against the petitioner for further prosecution in FIR.No.2/AC/2016/ER, dated 16.02.2016 and closure report was submitted and left to the respondents concern to proceed departmentally. The aforesaid suspension order was issued based on the criminal case filed against the petitioner, but it is seen that no materials are available to proceed. Therefore, the petitioner made a representation on 05.02.2022 to the 3rd respondent in the light of the closure report seeks revocation of suspension order. Based on the request made by the petitioner, the 3rd respondent has sent a proposal to the 2nd respondent for passing appropriate orders. The proposal submitted by the third respondent is still pending before the 2nd respondent and no order has been passed. Hence, he filed this instant writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that, the proposal for revocation of suspension order sent by the third respondent is still pending before the 2nd respondent insofar no order has been passed.

4. Mr.S.Prabhakaran, learned Government Advocate appearing on behalf of the respondents on instruction, would submit that the 2nd respondent will consider the said proposal sent by the 3rd respondent if it is pending and appropriate orders will be passed on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



5. Heard the learned counsel on either side and perused the materials placed on record.

6. In the light of the submissions made by the parties concerned, this Court is inclined to direct the second respondent to consider the proposal submitted by the 3rd respondent dated 21.03.2022 and to pass orders on its own merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ata

To

1. The Secretary,
State of Tamil Nadu,
Revenue Administration and Disaster Management Department,
Fort St.George, Chennai - 9.
2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 5.
3. The District Collector,
O/o the District Collector,
Collectorate, Erode.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.29482
+1cc to the Government Pleader, S.R.No.29406

W.P.No.8864 of 2022

MT[co]
NSK 13/05/2022