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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10740 of 2022

G.Velmurugan

...Petitioner

vs.

The District Collector,  
Erode, Erode District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to dispose of the representation of the petitioner dated 24.03.2022.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.M.Bindran  
Additional Government Pleader

### O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner in brief:

While the petitioner herein was working as Special Tahsildar [Town Settlement] Sathyamangalam, a trap was laid by the Director of Vigilance and Anti Corruption Department, Erode on 02.02.2021 and in the said proceedings, FIR was lodged against the petitioner and one Venkatesan. Subsequently, the petitioner was placed under suspension by the respondent vide RC No.3750/2021/A3 dated 05.02.2021, under Rule 17[e][2] of the Tamil Nadu Civil Services [D & A] Rules, on account of the registration of FIR against the petitioner. The entire proceedings are without jurisdiction. Thereafter, the petitioner sent a representation to the respondent on 15.07.2021 disclosing the various aspects as per the records and requested the said authority to revoke the order of suspension. The petitioner has filed W.P No.22805 of 2021 before this Court to quash the



impugned suspension order and consequently direct the respondent to revoke the order of suspension and reinstate him in service with all attendant benefits. This Court, by an order dated 25.10.2021 directed the respondent to issue appropriate charge memo to initiate departmental proceedings against the petitioner within a period of three months from the date of receipt of a copy of the order. Accordingly, the respondent issued a charge memo to the petitioner vide proceedings No.N.K.3750/2021/A3 dated 10.02.2022 for the alleged serious misconduct. In the said charge memo, the petitioner was asked to submit his explanation within a period of 15 days from the date of receipt of the same. The petitioner submitted representations to the disciplinary authority dated 14.02.2022, 25.02.2022 respectively seeking to peruse/furnish the documents referred to Annexure 3 of the charge memo. The respondent having received and acknowledged the aforesaid representations, failed to furnish the same. Finally, the petitioner sent a representation on 24.03.2022 to furnish the aforesaid documents. But, till date no action has been taken by the respondent. Hence, the petitioner filed this instant writ petition before this Court.

3. The learned counsel appearing for the petitioner would submit that though the petitioner sent several representations to the respondent seeking to furnish the documents referred to Annexure-3 of the charge memo, the same has not been furnished to the petitioner and also he prays for revocation of suspension order.

4. Mr.M.Bindran, learned Additional Government Pleader takes notice for the respondent and he would submit that after receiving the records from the Director of Vigilance and Anti Corruption Department, Erode, the copies of the aforesaid documents will be provided to the petitioner. But, merely on the said ground, the petitioner cannot seek for revocation of suspension order.

5. In view of aforesaid submissions, the relief sought for by the petitioner for revocation of suspension cannot be entertained on the ground that the copies of the aforesaid documents have not been furnished to the petitioner. The said suspension order has been passed on account of a criminal case registered against the petitioner and the said criminal case is under investigation on the file of the Vigilance and Anti Corruption Department. Therefore, the said request of the petitioner is liable to be rejected. Insofar as furnishing of the documents are concerned, the statement of the learned Additional Government Pleader appearing for the respondent is recorded. After receipt of the records from the Director of Vigilance and Anti Corruption Department, Erode, the respondent is directed to furnish the copies of the documents to the



petitioner and proceed further with the disciplinary proceedings in accordance with law.

6. With the above direction, the writ petition stands disposed of. No costs.

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Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The District Collector,  
Erode, Erode District.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.28549

+1cc to the Government Pleader, S.R.No.29129

W.P.No.10740 of 2022

SS[co]  
NSK/27/05/2022