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W.P.No.22986 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22986 of 2019

A.Subramaniyan

... Petitioner

Vs.

The Additional Chief Secretary to the Government
Commercial Taxes and Registration Department
Secretariat, St. George Fort,
Chennai – 600 009.

... Respondent

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 26.10.2017 under G.O.(D)No.393- COMMERCIAL TAXES AND REGISTRATION (E1) DEPARTMENT and quash the same and direct the first respondent to reinstate the petitioner in service.

For Petitioner

: Mr.S.Mukunth
For M/s.Sarvabhauman Associates

For Respondent

: Mrs.K.Vasantha Mala
Government Advocate



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ORDER

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The order of suspension dated 26.10.2017 issued against the writ petitioner is under challenge in the present writ petition.

2. The petitioner was working as Assistant Commissioner, Thiruvallur Assessment Circle. He was placed under suspension based on the allegation that he demanded illegal ratification from the assesseees / persons. A Criminal Case was registered against the petitioner under the Prevention of Corruption Act, 1988 in Crime No.10/2016/AC/HQ.

3. The learned counsel for the petitioner made a submission that both the Criminal Case as well as the departmental disciplinary proceedings are pending.

4. Regarding the simultaneous proceedings, this Court has elaborately considered the issues and directions are issued to the Government. The Government passed G.O.Ms.No.81, Human Resource Management (N) Department dated 04.08.2022 and issued guidelines. When the Criminal Case and the departmental disciplinary proceedings are initiated against the



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Government servant, there is no bar in continuing with the disciplinary proceedings during the pendency of the criminal case and if necessary the relevant records may be secured from the Police Department or from the Court, as the case may be.

5. The learned Government Advocate appearing on behalf of the respondent brought to the notice of this Court that the disciplinary proceedings are proceeded with and therefore, the Department will continue the proceedings on receipt of the report from the Department of Vigilance and Anti-Corruption, Chennai. It is needless to state that the respondent is bound to expedite the proceedings as long pendency of the departmental disciplinary proceedings are also not preferred. Keeping an employee under suspension for a prolonged period would also cause prejudice to the interest of the employee and thus, the disciplinary proceedings are to be concluded as expeditiously as possible even during the pendency of the Criminal Case. In this regard the respondent is bound to follow the guidelines issued in G.O.Ms.No.81 dated 04.08.2022.



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6. Thus, the respondent is directed to follow the guidelines issued by the Government in G.O.Ms.No.81 dated 04.08.2022 and expedite the enquiry proceedings and conclude the same without causing any undue delay.

7. With the above direction, the Writ Petition stands disposed of. No costs.

12.10.2022

Jeni
Index : Yes
Speaking order

To

The Additional Chief Secretary to the Government
Commercial Taxes and Registration Department,
Secretariat, St. George Fort,
Chennai – 600 009.



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S.M.SUBRAMANIAM, J.

Jeni

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