



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.12367 of 2021

R.Senthil ... Petitioner

Vs

1.The District Collector,
Theni District,
Theni.

2.The Special Deputy Collector (Stamps),
Room No.104, old Ramanathapuram Collectorate,
Madurai.

3.Basiyam ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned suspension order in R.O.C.No.21657/2021/A5, dated 09.07.2021 issued by the first respondent and quash the same as illegal.

For Petitioner	: Mr.V.R.Shanmuganathan
For Respondents	: Mr.Ashok,
R1, R2	Additional Government Pleader
R3	: Pamelin

ORDER

This writ petition is filed as against the suspension order dated 09.07.2021 issued by the respondents.

2.The learned Counsel for the petitioner submits that the petitioner is working as a Special Tahsildar (Stamps), Theni. While so, he has been placed under suspension on 09.07.2021 based on the letter of the Special Deputy Collector (Stamps), Madurai, dated 09.07.2021. Therefore, challenging the same, the petitioner is before this Court.

3.The learned Additional Government Pleader appearing for the respondents submits that the petitioner has been placed under suspension on 09.07.2021 based on the report of the Special Deputy Collector (Stamps), Madurai, dated 09.07.2021 on the charges of certain illegalities committed by the petitioner. Subsequently, a



case in crime No.31 of 2021 has been registered and subsequently, the petitioner has been issued with the charge memo dated 02.09.2021.

4.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

5.It is seen from the records that the petitioner was placed under suspension on 09.07.2021 based on certain illegalities committed by the petitioner. Subsequently, a criminal case was registered and charge memo has also been issued on 02.09.2021. However, the departmental proceedings initiated against the petitioner was not proceeded further. It is well settled position of law that there is no bar for the disciplinary authority to proceed with the departmental proceedings simultaneously, when the criminal case is pending.

6.In view of the above, the respondents are directed to conclude the departmental proceedings initiated against the petitioner within a period of six months from the date of receipt of a copy of the order and if the departmental proceedings are not concluded within the stipulated period, the respondents shall review of the order of suspension as per the dictum laid down by the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India, (2015) 7 SCC 291. It is needless to state that the petitioner is entitled for subsistence allowance during the suspension period.

7.The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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/litigant concerned.

To

1.The District Collector,
Theni District,
Theni.

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



2.The Special Deputy Collector (Stamps),
Room No.104, old Ramanathapuram Collectorate,
Madurai.

WEB COPY

+1 CC to M/s.SPL.GP (SR-1706[F] dated 19/01/2022)

+1 CC to M/s.V.R.SHANMUGANATHAN, Advocate (SR-1837[F] dated
20/01/2022)

W.P(MD)No.12367 of 2021
12.01.2022

NSN(CO)
KB(18.03.2022) 3P 5C