



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2022**

CORAM:

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

W.P.[MD].No.12681 of 2021

W.M.P.[MD].No.9882 of 2021

Panimaya Jasingtan

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Tirunelveli.

2.The District Registrar,
Kanyakumari,
Nagercoil.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 1st respondent in Proc.No.1701/A1/2021 dated 19.04.2021 and quash the same and further direct the first respondent to reinstate the petitioner in the Registration Department within a time fixed by this Court.

For Petitioner : No-appearance

For Respondents : Mr.J.Ashok
Additional Government Pleader

O R D E R

This Writ Petition has been filed as against the order of suspension passed by the first respondent in Proc.No.1701/A1/2021 dated 19.04.2021.

2. The petitioner, who was working as the Assistant, Sub Registrar Office at Ganapathipuram, Kanyakumari District, demanded bribe from one Krishna Jothi. Therefore, the said Krishna Jothi made a complaint before the Vigilance and Anti Corruption Wing and based on the complaint, a case in Crime No.3 of 2021 was registered as against the petitioner under Section 7(a) of PC Act, 1988 (amended in 16 of 2018). Pursuant to which, the petitioner has been placed under suspension on 19.04.2021 under Rule 17 (e)(1)(ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 and the said order of suspension is impugned in this writ petition.



3. There is no representation for the petitioner.

4. The learned Additional Government Pleader submits that the case registered as against the petitioner is under the Vigilance and Anti-Corruption Act. As per the dictum laid down by the Hon'ble Division Bench of this Court in W.A.No.599 of 2020 on 02.09.2020, the question of reviewing the suspension order would not arise, since it is a case of trap and it would cause detriment to the Department.

5. The writ petition is filed based on the order of the Hon'ble Supreme Court in **Ajay Kumar Choudhary vs. Union of India**, reported in **2015 7 SCC 291**. However, the Hon'ble Division Bench of this Court in W.A(MD).No.559 of 2020, vide Judgment dated 02.09.2020, has passed the following order:

"11. Upon considering the law laid down in the judgments that have been discussed herein above, it is clear that there is no absolute rule in respect of the validity of suspension orders from the perspective of duration especially when such suspension is in the context of a pending criminal proceeding. In other words, in these situations, the law on suspension as laid down in paragraph 11 of R.P. Kapur v. Union of India, AIR 1964 SC 787, by a Five Judge Bench upholding suspension pending enquiry subject to payment of subsistence allowance as per service conditions and that in Union of India v. Ashok Kumar Aggarwal (2013) 16 SCC 147, wherein it was held that the court does not sit in appeal and that such orders would be interfered with only if the charges are patently baseless, mala fide or vindictive would continue to hold the field. In this case, as stated earlier, there is a pending criminal proceeding, wherein the Respondent is being prosecuted for corruption. In these circumstances, the decision of the learned single Judge to direct the Chief Judicial Magistrate to conclude the proceeding within four months is justified and does not warrant interference. On the other hand, especially in light of the above direction, the revocation of the suspension on the ground that it is prolonged is clearly unsustainable. The consequential direction to post the Respondent in a nonsensitive post is also not sustainable especially in view of the fact that the Respondent is an Assistant Engineer and it is difficult to find a post that may be termed non-sensitive in that cadre. Therefore, we allow the appeal in part insofar as it directs the Appellants to revoke the suspension and to post the Respondent in a non-sensitive post. On the other hand, we affirm the impugned order to the extent that the



Chief Judicial Magistrate, Thiruvannamalai, has been directed to conclude the criminal proceedings within a period of four months, albeit with the qualification that the said period shall run from the date of receipt of a copy of the judgment in this appeal"

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6. In view of the judgment of the Hon'ble Division Bench of this Court in W.A.No.599 of 2020 dated 02.09.2020, this Court is not inclined to entertain this petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Writs)

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/ /2022

Sub Assistant Registrar(CS)

Ssb

To

1.The Deputy Inspector General of Registration,
Tirunelveli.

2.The District Registrar,
Kanyakumari,
Nagercoil.

+1 CC to M/s.SPL.GP (SR-2380[F] dated 25/01/2022)

+1 CC to M/s.SPL.GP (SR-2350[F] dated 25/01/2022)

**W.P. [MD] .No.12681 of 2021
21.01.2022**

SS/19.05.2022 : 3P/5C