



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.16356 of 2021

U.Singaravelan

... Petitioner

Vs.

The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent ie., the District Collector, Ramanathapuram in his Memo NO.A5/38467/2020 dated 09.08.2021 and quash the same and consequently, direct the respondent ie., the District Collector, Ramanathapuram to reinstate the petitioner into service forthwith.

For Petitioner

: Mr.S.Visvalingam

For Respondent

: Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

The order of suspension dated 09.08.2021 is under challenge in the present writ petition.

2.The writ petitioner was working as Jeep Driver in the office of the Sub-Collector, Ramanathapuram. He was placed under suspension on account of a criminal case was registered against him in Crime No.5 of 2020 under the Prevention of Corruption Act. The said criminal case is pending. The allegation against the petitioner is that he has demanded and accepted the bribe amount of Rs.15,000/- from the owner of a cracker shop for granting of temporary license.

3.It is an admitted fact that the criminal case registered under the Prevention of Corruption Act is pending against the petitioner. The petitioner was placed under suspension in proceedings dated 09.08.2021 and the case is under investigation.

4.This being the factum, this Court is of an opinion that the order of suspension cannot be revoked in view of the judgment of the Hon'ble Division Bench of this Court in W.A(MD)No.1827 of 2021, dated 21.01.2022, wherein the order of suspension issued in Corporation case is dealt with by referring the judgment of the



Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary-vs-Union of India**, reported in **2015 (7) SCC 291** and the relevant paragraphs are extracted hereunder:

22.The judgment in Ajay Kumar Choudhary (supra) came up for consideration before the Apex Court in the case of Promod Kumar (supra). Though in the said case interference with the order of suspension was made, it was after considering the fact that order of suspension was made as the delinquent remained behind the bars for more than 48 hours. The order of suspension was not in reference to a vigilance case or for the allegation of the nature involved herein.

23. In view of the aforesaid, we set aside the judgment of the learned Single Judge and allow the appeal. It is, however, with a direction to expedite the criminal proceedings against the delinquent and if it is not concluded within a reasonable time, then it would be open to the delinquent employee to make a representation to recall the suspension order which otherwise cannot be continued beyond a reasonable period, as it is pending for last two years. The order of suspension is not interfered with looking to the allegation of demand and acceptance of bribe by the delinquent petitioner/non-appellant and he having been caught red-handed.

24. A copy of this order would, accordingly, be produced by the appellants before the court concerned which would be trying the criminal case and even furnished to the police station concerned where the case has been registered to expedite the matter

5.In view of the fact that the petitioner has involved in a criminal case, the order of suspension cannot be revoked at this point of time and therefore, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To
The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.SPL.GP (SR-10968[F] dated 09/03/2022)

W.P. (MD)No.16356 of 2021

08.03.2022