



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17432 of 2020

W.M.P(MD).No.14578 of 2020

S.Muthuselvan

... Petitioner

Vs.

1. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Jeenis Road, Saidapet, Chennai-600 015

2 The District Collector
Tenkasi District, Tenkasi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records on the file of the 2nd respondent in connection with the impugned order of suspension passed by him in his proceedings Roc. No.N5/28377/2016 dated 22.7.2016 and the consequential impugned order of extension passed by the 1st respondent in his proceedings Na.Ka.no.46013/2016/Vi.C1-2 dated 22.1.2017 and quash the both as illegal and arbitrary and consequently direct the respondents 1 and 2 to reinstate the petitioner in service within the time limit.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The order of suspension dated 22.07.2016 is under challenge in the present writ petition.

2. The petitioner was working as Assistant Engineer and a criminal case against the petitioner was registered in Crime No.3 of 2016 by the Inspector of Police, (Vigilance and Anti-Corruption) Department, Tirunelveli, for the offence under Section 7 and 13 (2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The petitioner was arrested for demand and acceptance of bribe of



Rs.4,000/- from one Muppulipandian. Subsequently, he was released on bail.

3. The question arises as to whether a public servant against whom a criminal case has been registered under the Prevention of Corruption Act, the order of suspension is to be revoked or not?

4. The Hon'ble Division Bench of the Madurai Bench of Madras High Court recently delivered a judgment on 20.01.2022 in W.A(MD). No.1827 of 2021 elaborately considering the judgment of the Hon'ble Supreme Court of India in **Ajay Kumar Choudhary's** case and other cases and formed an opinion that the Court can direct to expedite the criminal proceedings against the delinquent. However, an observation is made that the suspension if runs beyond unreasonable period, the petitioner may submit an application for revocation of suspension which is to be reviewed by the Competent Authorities.

5. The relevant paragraph Nos.22, 23 and 24 of the said judgment reads as under:

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.

6. In view of the said judgment cited supra, the petitioner is at liberty to file a petition before the Criminal Court concerned for expedite the trial. In the event of filing any such application by the petitioner/accused, the Competent Criminal Court shall



consider, expedite the criminal case and dispose of the same as expeditiously as possible. The Department of Vigilance and Anti-Corruption should ensure that the procedures are followed, and extend the co-operation for speedy disposal of the criminal case.

7. With these directions, the Writ Petition stands disposed of... No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Jeenis Road, Saidapet, Chennai-600 015

2 The District Collector
Tenkasi District, Tenkasi.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10831[F] dated
09/03/2022)

+1 CC to M/s.SPL.GP (SR-10982[F] dated 09/03/2022)

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