



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.18913 of 2020
W.M.P(MD) .No.15840 of 2020

S.Baskar

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai Division,
Pattukottai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling the records of the second respondent i.e. the Revenue Divisional officer, Patukottai relating to his impugned proceedings in R.C.No.2203/2019/A1 dated 02/07/2019 and quash the same and consequently direct the respondents for the reinstatement of the petitioner in anyone of the post of Village Administrative officer subject to the result of the criminal case pending against him.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The order of suspension dated 02.07.2019 is under challenge in the present Writ Petition.

2. The petitioner was working as Village Administrative Officer in Athambai South Village. The petitioner was arrested on 01.07.2019 by the Vigilance and Anti-Corruption Wing, Thanjavur and the criminal case was registered for demand and acceptance of bribe to the tune of Rs.2,000/- from one Natarajan on 01.07.2019. The case was registered under Sections 7, 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988.



3. The learned counsel appearing for the petitioner made a submission that the trial in the criminal case may go on for a longer time and keeping the petitioner under suspension for a longer period is not preferable and further, the petitioner is innocent of the allegations. Thus, the order of suspension is to be revoked.

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4. Admittedly, the criminal case is registered against the petitioner under the Prevention of Corruption Act, with reference to the allegation of demand and acceptance of bribe of Rs.2,000/- from the said Natarajan. He was caught red-handed. Therefore, this Court is of the opinion that criminal trial is to be expedited.

5. 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.

6. 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.



7. 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.

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

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Chief Judicial Magistrate,
Thanjavur District,
Thanjavur.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Patukottai Division,
Patukottai.

+1 CC to M/s.SPL.GP (SR-10985[F] dated 09/03/2022)

W.P. (MD) No.18913 of 2020

08.03.2022

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