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W.P.No.3231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.3231 of 2023
and WMP No.3283 of 2023

V.Dhamodharan

... Petitioner

Vs.

1.The District Collector
Krishnagiri District
Krishnagiri.

2. The Revenue Divisional Officer
Krishnagiri District
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining Order of the 2nd Respondent proceedings vide Roc. 3137 / 2016 /A dated 10.11.2016 and quash the same as illegal improper, incompetent and ultra - virus and consequentially direct the 2nd Respondent herein to reinstate the Petitioner post of Village Administrative officer, Pudhur Punganai Village, Uthangarai Taluk Krishnagiri District with all back wages.



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For Petitioner : Mr.C.Palanisamy

For Respondents : Mrs.M.Jayanthi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the suspension order passed by the 2nd respondent dated 10.11.2016 and for a consequential direction to the 2nd respondent to reinstate the petitioner into service with all attendant benefits.

2.The case of the petitioner is that he was working as a Village Administrative Officer and based on a complaint that was given against him before the Vigilance and Anti-Corruption, Krishnagiri, an FIR came to be registered in Cr.No.2/2016. The FIR ultimately ended in the filing of a charge sheet before the Chief Judicial Magistrate Court, Krishnagiri and the case is pending in Spl.C.C.No.19 of 2019.

3.In the meantime, the 2nd respondent through proceedings dt.10.11.2016, placed the petitioner under suspension.

4.The grievance of the petitioner is that the order of suspension has



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been continuing for nearly six years and till date, the same has been modified or revoked. Representations were also made in this regard and the same was not acted upon by the 2nd respondent. Left with no other option, the present writ petition has been filed before this Court.

5.Heard Mr.C.Palanisamy, learned counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader appearing on behalf of the respondents.

6.The learned counsel for the petitioner by pointing out to the orders passed in Ajay Kumar Choudhary case and Pramod Kumar case, submitted that the petitioner cannot be kept under prolonged suspension and in the present case, the petitioner has been placed under suspension for the last six years. Hence, the learned counsel for the petitioner submitted that the order of suspension is liable to be interfered by this Court.

7.Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submitted that considering the seriousness of the charge against the petitioner, who was involved in receiving bribe, there is no



question of automatically revoking the order of suspension. The learned Additional Government Pleader in order to substantiate her submission placed reliance upon the Full Bench Judgment of this Court in *P. Kannan .v. Commissioner for Municipal Administration and Others* reported in (2022) CTC 353.

8.In the considered view of this Court, the petitioner has been kept under suspension for more than six years. He has been paid subsistence allowance and the petitioner is receiving the amount every month without extracting the services of the petitioner. This is certainly a dent in the public exchequer and the respondents will have to necessarily consider extracting work from the petitioner by putting him in some non-sensitive work. A public servant cannot be allowed to receive the subsistence allowance every month for years together without doing any work.

9.In the light of the above discussion, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 24.05.2022 and deal with the same on its own merits and in accordance with law and in the light of the observations made in this writ petition. A decision shall be taken within a period of **four weeks** from the date of receipt of a copy



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of this order.

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10.This writ petition is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

06.02.2023

kp

Internet : Yes/No

Index : Yes/No

Speaking Order :Yes/No

Neutral Judgment :Yes/No

To

1.The District Collector
Krishnagiri District
Krishnagiri.

2. The Revenue Divisional Officer
Krishnagiri District
Krishnagiri.

N.ANAND VENKATESH,J.

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