



Writ Petition No.26676 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.26676 of 2013

V.Periyasamy

..Petitioner

vs.

1.The Revenue Divisional Officer,
Sankagiri.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed in Roc No.2441/2011(A) dated 08.12.2011 and quash the same and further direct the respondent to reinstate the petitioner in service with all consequential, monetary and service benefits.

For Petitioner : Ms.N.Fidelia

For Respondents : Mr.R.U.Dinesh
Raj Kumar, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in Roc No.2441/2011(A) dated 08.12.2011, quash the same and consequently, direct the respondent to reinstate the petitioner in service with



Writ Petition No.26676 of 2013

all consequential, monetary and service benefits.

WEB COPY

2.The facts, in brief, as per the affidavit and the documents enclosed to the Writ Petition, are that the petitioner was initially appointed as Village Administrative Officer, Namakkal Taluk and was transferred to Sankagiri Taluk in the year 1989. While so, a criminal case was registered against the petitioner in Cr.No.17/AC/2011 alleging that he had received illegal gratification and on account of which, the petitioner was placed under suspension as per the impugning proceedings in Roc No.2441/2011(A) dated 08.12.2011 under Rule 17(e) of Tamilnadu Civil Service (Discipline and Appeal) Rules etc. Even though the criminal case has been registered by the Vigilance and Anti Corruption, investigation has not been proceeded with and a final charge sheet has not been filed. The Department of Vigilance and Anti Corruption has been dragging the case without any progress.

3. The petitioner has been paid subsistence allowance from 2011 till date, however, neither the suspension was revoked nor he was reinstated into the service. In a similar case, another Village Administration Officer



against whom also, a case has been registered by the Department of Vigilance and Anti-Corruption and placed him under suspension. However, later, it was revoked and he was transferred to other place and he has been continuing his work. The petitioner is aged 57 years and was going to retire on attaining the age of superannuation on 30.06.2014. Therefore, he came forward with the present Writ Petition, seeking to aside the order passed by the respondent vide proceedings in Roc No.2441/2011(A) dated 08.12.2011.

4. The respondent filed a detailed counter affidavit, wherein, it has been stated as under:

10. The allegation that the Vigilance and Anti-Corruption had not proceeded further inquiry and no charge sheet had been filed till date is false and incorrect. The Directorate of Vigilance and Anti-corruption, Chennai sent a letter No. RE.264/2011/REV/SL dated 19.06.2012 to CR.A. Chennai that the said Criminal case against V.Periyasamy is registered and final report is also filed and the Investigating Officer of the Directorate has been instructed to contact and fix up the Trial before competent Court. In this stage, the respondent couldn't ordered to reinstate the petitioner in service in some other village.

11. Also the petitioner filed one application to reinstate him in service to the respondent on 18.10.2012 on the basis of G.O. (Ms) No.30 dated 23.02.2012. But the said G.O. says that the Government decided to constitute review committee to finalize the suspension of a Government Servant in a disciplinary proceeding, not regarding the Criminal case. So on that score the petitioner can not claimed now to reinstate him in service.



WEB COPY



Writ Petition No.26676 of 2013

12. In this circumstances, the said order of suspension by the respondent in Roc.No.2441/2011 (A) dt. 08.12.2011 is not illegal, arbitrary and not against law and therefore the petitioner is not entitled to set-aside or quash the said order of suspension.

13. Therefore it is prayed that this Hon'ble Court may kindly be pleased to dismiss the writ petition with cost and thus render justice.”

5. Heard both sides and perused the documents placed on record.

6. It is submitted by the learned counsel for the petitioner that the petitioner was though suspended on 08.12.2011 by way of impugned order, the investigation has not been completed by the Vigilance and Anti Corruption Department and thereby, his suspension has not been revoked which put lot of hardship to the petitioner.

7. The petitioner is suspended only because a criminal case has been registered by the Department of Vigilance and Anti Corruption. Though it is mentioned in counter affidavit that investigation has already been completed, there is no record before this Court as on today i.e. (20.11.2023) to show as whether the Department of Vigilance and Anti Corruption has filed charge sheet against the petitioner. Leaving this aspect aside, the petitioner who was 57 years old as on the date of filing of the Writ Petition



Writ Petition No.26676 of 2013

in the year 2013 and he also reached age of superannuation on 30.06.2014

WEB CO itself.

8. This Writ Petition has been filed with an intention to get immediate relief seeking for revocation of suspension so that he can work until his date of superannuation, which is 30.06.2014. He had attained the age of superannuation about 9 years ago. Even this Writ Petition is allowed, he will not get back into service. The petitioner should have filed a petition seeking to fix an early date for disposal of the Writ Petition soon after filing the Writ Petition. However, the petitioner has not taken any such steps and allowed it to be pending until this day. In any case, the relief sought for by the petitioner is very limited, i.e. seeking for revocation of suspension until his superannuation. Since the petitioner has already attained the age of superannuation long back, no further orders are required to be passed in this Writ Petition.

9. Accordingly, this Writ Petition is disposed of as the relief sought for by the petitioner in this Petition has become infructuous. It is needless to



Writ Petition No.26676 of 2013

mention that the petitioner can work out his remedy in the manner known to

law. No costs.

20.11.2023

Index : Yes/No

Speaking order:Yes/No
dn

To

1.The Revenue Divisional Officer,
Sankagiri.

Dr.D. NAGARJUN, J

dn



WEB COPY



Writ Petition No.26676 of 2013

Writ Petition No.26676 of 2013

20.11.2023