



WEB COPY



WP.No.8098 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.8098 of 2022
and W.M.P.No.8079 of 2022

M.Velusamy

.. Petitioner

Versus

1.The State of Tamil Nadu
Rep by its Addl Chief Secretary
Home (Transport-II) Department
Fort St.George, Chennai – 600 009

2.The Commissioner
Transport Department
Chepauk, Chennai – 600 005

3.The Deputy Superintendent of Police
Vigilance and Anti Corruption
Erode
(R3 Suo Motu impleaded vide Order dated 24.07.2023
made in W.P.No.8098 of 2022 by NSKJ)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the 1st respondent proceeding made in G.O.(2D)No.221 Home (Transport-II) Department on 29.6.2018 consequently they issued G.O.(2D)No.222 Home (Transport-II) Department on 29.06.2018 retained in service and not permitted to retire from his service and quash the same and direct the respondents to allow the petitioner to retire from service without prejudice to pending



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criminal case and grant all terminal benefits to the petitioners.

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For Petitioner : Mr.M.Muthappan
for S.Saranraj

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the suspension order passed on 29.06.2018, quash the same and direct the respondents to allow the petitioner to retire from service without prejudice to pending criminal case and grant all terminal benefits to the petitioner.

2. It is the grievance of the writ petitioner that he has been placed under suspension prior to his superannuation date, however, no progress has been made. Hence, challenging the same, this petition has been filed on the ground of prolonged suspension.

3. Heard both sides and perused the materials placed on record. The petitioner has been placed under suspension on the basis of FIR registered against the petitioner for the alleged acquiring of properties disproportionate to known source of his income. Now, the investigation is also proceeded against the petitioner by Erode Vigilance and Anti-Corruption in

<https://www.mhc.tn.gov.in/cases> Cr.No.3/2018/AC under Section 13(2) read with 13(1)(e) of the Prevention of



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Corruption Act, 1988. The status report filed by the respondent clearly indicates that the petitioner has acquired 36% more than his known source of his income to the tune of Rs.50,28,559/- and the investigation is almost over, now only final report has to be filed.

4. Considering the nature of the investigation proceedings, this Court is of the view that the departmental enquiry in this case is purely on the basis of the evidences and proof in the criminal case and the departmental proceedings has to wait till the outcome of the criminal prosecution.

5. Such view of the matter, there cannot be a direction at this stage to revoke or revisit the suspension. Accordingly, the respondents shall expedite the further prosecution proceedings.

6. In view of the above, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2023

dhk
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

N.SATHISH KUMAR, J.



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dhk

To

1.The Additional Chief Secretary
The State of Tamil Nadu
Home (Transport-II) Department
Fort St.George, Chennai – 600 009

2.The Commissioner
Transport Department
Chepauk, Chennai – 600 005

3.The Deputy Superintendent of Police
Vigilance and Anti Corruption
Erode

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29.08.2023
(1/2)