



Writ Petition No.29029 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.29029 of 2016
and W.M.P.No.25124 of 2016

V.Sureshkumar

... Petitioner

Vs

1.The District Collector,
The District Collectorate Office,
Coimbatore-641 018.

2.The Revenue Divisional Officer,
Coimbatore Division,
Coimbatore-641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned orders of suspension of service of the petitioner passed by the second respondent in his proceedings Ref.No.1909/2016/B1 dated 11.03.2016 and quash the same.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.A.M.Ayyadurai

Government Advocate



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ORDER

This Writ Petition is filed by the petitioner challenging the suspension order passed by the second respondent on 11.03.2016.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the first and second respondents and perused the records.

3. Admittedly on 10.03.2016, a case in Crime No.2 of 2016 was registered by the Inspector of Police, Vigilance and Anti Corruption, Coimbatore, under Section 7 of the Prevention Corruption Act, 1988. In connection with the registration of the said case, petitioner was arrested and remanded to judicial custody on 10.03.2016. Subsequently, the petitioner filed Cr.M.P.No.48 of 2016 under Section 437 of Cr.P.C., and same was allowed on 21.03.2016 by the learned Special Judge for Prevention of Corruption Act, and petitioner was released on bail.

4. In view of the arrest and remand of the petitioner to the judicial



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suspension within a time frame.

7. In the case on hand the petitioner who was involved in crime No.2 of 2016 was arrested and remanded to Judicial custody on 10.03.2016. When the petitioner was arrested and remanded to judicial custody in connection with the Criminal Case registered against him, he is deemed to be under suspension as per Rule 17(e) of the Tamil Nadu Civil Supplies (Discipline and Appeal) Rules. Hence, the order of suspension cannot be interfered with by this Court.

8. Therefore, taking note of the fact that the order of suspension passed on 11.03.2016 has not been reviewed so far by the respondent this Court hereby directs the second respondent to review the order of suspension passed against the petitioner on 11.03.2016 and pass appropriate orders thereof on merits, in accordance with the guidelines issued by the Government of Tamil Nadu in Letter No.13519/N/2015-1 dated 23.07.2015 as quickly as possible not later than eight weeks from the date of receipt of copy of this order.



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9. Accordingly, this Writ Petition is disposed of. Consequently,
connected miscellaneous petition is closed. No costs.

19.10.2023

Speaking (or) Non Speaking Order
Index : Yes/ No
Internet : Yes
jai

To

- 1.The District Collector,
The District Collectorate Office,
Coimbatore-641 018.
- 2.The Revenue Divisional Officer,
Coimbatore Division,
Coimbatore-641 018.



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Dr.D.NAGARJUN, J.
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