



W.P.No.19281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.19281 of 2023

M.Balamurugan

... Petitioner

Vs

1. The State Rep. by the District Collector,
Mayiladuthurai District.

2. The Inspector of Police,
Vigilance & Anti-Corruption,
Nagapattinam.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent District Collector, Mayiladuthurai to revoke the Order of suspension dated 09.09.2021 in RC No.8947/2021/A4 and to reinstate the petitioner with all the past monitory benefits during the period of the petitioner suspension with retrospective effect.

For Petitioner : Mr.J.Ravikumar

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



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ORDER

This Writ Petition has been filed to direct the first respondent to revoke the Order of suspension dated 09.09.2021 in RC No.8947/2021/A4 and to reinstate the petitioner with all past monitory benefits during the period of suspension of the petitioner with retrospective effect.

2. The petitioner was functioning as a Special Tahsildhar in Social Security Scheme at Tharangampadi Taluk Office, Mayiladuthurai District. The petitioner was arrested by the Vigilance and Anti Corruption on 07.09.2021 under the provisions of Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption [Amendment] Act 2018. Charges have been framed against the petitioner under section 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules and departmental proceedings has been initiated and consequently, he was placed under suspension. It is the contention of the petitioner that since the departmental proceedings is pending, the Order of suspension has to be revoked. Hence, he seeks a



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direction to the respondents to revoke his suspension.

3. Heard both sides and perused the entire materials available on record.

4. At the outset, this Court is of the view that once a person is involved in serious offences, as a matter of right, suspension cannot be revoked.

5. Accordingly, this Writ Petition is dismissed. However, the first respondent is directed to conclude the department proceedings within a period of 6 months from the date of receipt of a copy of this Order. No costs.

03.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,



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Mayiladuthurai District.
2. The Inspector of Police,
Vigilance & Anti-Corruption,
Nagapattinam.



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N.SATHISH KUMAR, J.

VTC

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