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W.P.No.22896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22896 of 2023

and

W.M.P.No.22385 of 2023

V.Rajaraman

... Petitioner

Vs.

1.The Principal Secretary/
The Commissioner (R&F),
Greater Chennai Corporation,
Ribbon Buildings,
Chennai 600003.

2.The Deputy Commissioner (R&F),
Greater Chennai Corporation,
Ribbon building,
Chennai 600003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the 2nd respondent order made in G.D.C.No.E.14/123672022 dated 21.04.2022 and quash the same and direct the respondents to revoke the order of suspension and reinstate the petitioner into service and grant all service monetary benefits.



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For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.Gopinathan
Standing Counsel

ORDER

This writ petition has been filed challenging the order of suspension issued against the petitioner, dated 21.04.2022, and to reinstate the petitioner into service and grant all service monetary benefits.

2.It is the case of the petitioner that, while the petitioner was working as Tax Collector in the respondent Corporation, the petitioner was placed under suspension by the 2nd respondent, vide order dated 21.04.2022, based on the allegation of illegal gratification of Rs.14,000/- for the purpose of name transfer of property tax assessment for the house located at No.191/YB, 4th Main Road, Sadhasivam Nagar, Madipakkam, Chennai - 600 091 from one Vinayagam and the petitioner was arrested on 18.04.2022 and remanded to judicial custody. A criminal case is also registered against the petitioner by the Vigilance and Anti-Corruption Department. Therefore, the petitioner is placed under deemed suspension with effect from 18.04.2022. The petitioner has come forward with this writ petition to revoke the order of suspension.



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3.The main contention of the petitioner is that the petitioner has been placed under prolonged suspension from 18.04.2022 and therefore, the same has to be revoked.

4.Heard the learned counsel for the petitioner and Mr.S.Gopinathan, learned Standing Counsel, appearing for the respondents.

5.It is relevant to note that, though the petitioner is facing a criminal case, there is no bar for initiating departmental disciplinary proceedings against the petitioner simultaneously even during the pendency of the criminal case, if the authorities so decide to proceed with the disciplinary proceedings independently without waiting for the outcome of the criminal case. Since the petitioner is placed under prolonged suspension, if the authorities decide to wait for the criminal case to be concluded, let the authorities review the order of suspension and pass appropriate orders within a period of one month from the date of receipt of a copy of this order. In either of the cases, the respondent authorities shall strictly follow the guidelines issued by the Government in G.O.(Ms)



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No.81, Human Resources Management (N) Department, dated

04.08.2022.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2023
(2/2)

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Principal Secretary/
The Commissioner (R&F),
Greater Chennai Corporation,
Ribbon Buildings,
Chennai 600003.
- 2.The Deputy Commissioner (R&F),
Greater Chennai Corporation,
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N. SATHISH KUMAR, J.
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