



WP.No.23213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.23213 of 2023

S.Babu

...Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. by the Secretary to Government,
Home (Transport-II) Department,
Fort St. George, Chennai 600009.
2. Transport Commissioner,
Chepauk, Chennai 600005.
3. The Joint Transport Commissioner (Administration),
Chepauk, Chennai 5.

...Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the 2nd respondent to consider the representation dated 27.07.2023.

For Petitioner : Mr.P.K.Ganesh

For Respondents : Mr.V.P.R.Elamparithi, AGP



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ORDER

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 27.07.2023.

2. Heard both sides and perused the materials available on record.

3. The petitioner was working as Motor Vehicle Inspector Gr-1 at Kallkurichi. On the complaint given by one Ramesh to the effect that the petitioner demanded Rs.25,000/- for issuing fitness certificate, a trap was laid and the petitioner was arrested on 11.09.2018. The petitioner was placed under suspension from 11.09.2018 for more than a year without filing charge sheet. Subsequently, in the month of August 2021, charge sheet was filed and a case was registered against the petitioner in SPL.C.C.No.1 of 2022. Charges framed against him and trial was also conducted. However, even after 6 years, no further order is passed.



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4. The grievance of the petitioner is that he was placed under suspension by the Department on the criminal case registered against him under Sections 7 and 12 of the Prevention of Corruption (Amendment) Act. Though the petitioner was placed under suspension from 2018 and disciplinary Proceedings has also been initiated against the petitioner, the proceedings are pending for more than four years. Hence, he gave a representation dated 27.07.2023 to reconsider his suspension.

5. Admittedly, the petitioner was placed under suspension from 2018. Though a Criminal case is pending against the petitioner, this Court is of the view that there is no bar for the Department to proceed separately in Departmental proceedings. In such view of the matter, having regard to the fact that the petitioner has been paid subsistence allowance continuously from 2018 without extracting any work, the respondents shall consider and revisit his suspension and post him in any non-sensitive post and such orders shall be passed within a period of one month from the date of receipt of a copy of this order. No costs.

08.08.2023

Index : Yes/No
pvs



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To

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