



W.P.No.23510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P.No.23510 of 2023 &
WMP.Nos.23020 & 23021 of 2023**

M.Balakrishnan

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned suspension order issued by first respondent vide G.O. [2D] No.79, Revenue Disaster Management Department, Service Wing Ser. 2[3] Section dated 31.03.2020 and quash the same as illegal,



W.P.No.23510 of 2023

arbitrary and non-est in law and consequently, direct the first and second respondents to permit the petitioner to retire from service with all service, retiral and attendant benefits within the time stipulated by this Court.

For Petitioner : Mr.AR.Balaji

For Respondents : Mr.E.Vedabagathsingh
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned suspension order issued by first respondent vide G.O. [2D] No.79, Revenue Disaster Management Department, Service Wing Ser. 2[3] Section dated 31.03.2020 as illegal, arbitrary and non-est in law and consequently, direct the first and second respondents to permit the petitioner to retire from service with all service, retiral and attendant benefits within the time stipulated by this Court.



W.P.No.23510 of 2023

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2. The case of the writ petitioner is that he was placed under suspension from 27.03.2020 merely on the contention that grave allegation against the petitioner is pending. There is no other details given in the impugned Order. The grievance of the petitioner is that even after the department proceedings has been commenced no charges have been issued.

3. The contention of the petitioner is that suspension Order has been issued on the basis of the First Information Report registered against the petitioner in Crime No.6 of 2019 by the Vigilance and Anti Corruption. Though the petitioner has been arrayed as A5 in the above First Information Report, the suspension Order has been passed in the year 2020. It is the contention of the petitioner that only based on the above case, the petitioner was placed under suspension. However, now investigation has been completed and final report has also been filed and the petitioner has not been arrayed as an accused in the above case. Hence, seeks to quash the Order of suspension.



W.P.No.23510 of 2023

4. The learned Government Advocate appearing for the respondents on instructions has not disputed the above facts. According to him, the petitioner has been excluded from the above case.

5. A perusal of the materials available on records indicate that the suspension of the petitioner is based on the First Information Report registered against the petitioner along with other accused. Now investigation has been completed and the petitioner has been exonerated from the above case. The petitioner has been placed under suspension in the year 2020. The Department has not moved an inch forward even to issue any charge memo. In such view of the matter, when the allegation itself is based on the criminal complaint and the petitioner has been exonerated from the criminal proceedings, keeping the petitioner under prolonged suspension and not allowing to retire from service, cannot be sustained in the eye of law.

6. Accordingly, this Writ Petition stands allowed and the impugned Order passed by the first respondent dated 31.03.2020 is quashed. The respondents are directed to settle the retirements to the petitioner within



W.P.No.23510 of 2023

a period of three months from the date of receipt of a copy of this Order.

Consequently, connected miscellaneous petitions are closed. No costs.

11.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.



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W.P.No.23510 of 2023

N.SATHISH KUMAR, J.

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WP.No.23510 of 2023

11.08.2023