



W.P.No.24454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.24454 of 2023 and
W.M.P.Nos.23883 & 23884 of 2023

M.Ramamoorthy

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep by its Secretary,
Public Works (Estt-1-2) Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai-28.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate Writ, Order, Direction directing the 1st respondent to consider the representation of the petitioner dated 17.06.2023 and reinstate the petitioner with all benefits and further grant subsistence allowance to the petitioner from 10.03.2023 till date.

For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader



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ORDER

This Writ Petition has been filed to direct the 1st respondent to consider the representation of the petitioner, dated 17.06.2023 and reinstate him into service with all benefits and further grant subsistence allowance from 10.03.2023 till date.

2.The contention of the Writ Petitioner is that the petitioner was placed under suspension on 21.03.2023 by the 1st respondent for alleged involvement in a criminal case, particularly, the Prevention of Corruption Act, 1988 and he was arrested by the Vigilance and Anti Corruption, Tiruppur and later released on bail on 10.04.2023. Now, the grievance of the Writ Petitioner is that till date no charge sheet has been filed in criminal case and no charge memo has been issued by the respondents. In this regard, he has given representation to the respondents for revocation of suspension and also for payment of Subsistence Allowance, however, the same has not been considered. Hence, seeks direction of this Court.

3.The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner will be considered and appropriate orders will be passed on merits.



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4.It is common that the criminal case, particularly, registered under the Prevention of Corruption Act, 1988 will take sometime to reach its logical conclusion. Merely because of non-filing of charge sheet before the concerned Court, the petitioner, as a matter of right, cannot seek revocation of suspension since it is premature. However, the respondents may consider the representation of the petitioner in respect of posting him in a non-sensitive post in the light of the G.O.(Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022. In the meanwhile, the petitioner is entitled for subsistence allowance as per Rules.

5.With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

18.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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N.SATHISH KUMAR, J.



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- To
- 1.The Secretary,
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