



WEB COPY



W.P.No.27186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27186 of 2023

V.Vijayalakshmi

... Petitioner

Vs.

The District Collector,
Tiruvallur District,
Tiruvallur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in connected with the impugned order passed by the respondent in R.C.No.1770/2020/A3 dated 29.06.2022 and RC.No.1770/2020/A3 dated 30.06.2022 and quash the same and further direct the respondent to permit the petitioner to retire from service and to settle the pensionary benefits within a reasonable time.

For Petitioner : Mr.K.Venkataramani, Senior Counsel

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

ORDER

Challenging the impugned orders in R.C.No.1770/2020/A3 dated 29.06.2022 and R.C.No.1770/2020/A3 dated 30.06.2022, this Writ Petition has been filed.



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2.The case of the petitioner is that while she was working as Deputy Tahsildar, Ambattur Taluk of Tiruvallur Revenue Unit, she was placed under suspension *vide* impugned order, dated 29.06.2022 on account of registration of criminal case in Crime No.182 of 2011 for offence under Sections 468, 471 r/w 34 of IPC alleging that the petitioner has issued the patta for highways land in favour of one R.S.Raghavan. Thereafter, the respondent has passed an order suspending the petitioner from service and not allowed to retire from service *vide* impugned order, dated 30.06.2022. Challenging the above said impugned orders, the present Writ Petition has been filed.

3.The learned Senior Counsel appearing for the petitioner submitted that the above said criminal case is no way connected with the petitioner and in fact the petitioner is not a named accused in the FIR in Crime No.182 of 2011, dated 06.10.2011. He further submitted that till date no final report has been filed adding more accused in the case, hence, the petitioner may be permitted to retire from service.



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4. Whereas the learned Additional Government Pleader appearing for the respondent submitted that on the basis of the criminal case, the petitioner was placed under suspension and not allowed to retire from service. Now, the disciplinary proceedings has been commenced against the petitioner.

5. Heard the submissions of the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

6. Merely because of non-filing of final report before the concerned Court, the petitioner, as a matter of right, cannot challenge the suspension order. Further, the ground raised by the learned Senior Counsel for the petitioner that the name of the petitioner does not find place in the FIR, cannot be accepted.

7. In such view of the matter, this Court is not inclined to interfere with the suspension of the petitioner at this stage. However, considering the fact that the criminal case is pending against the petitioner, there shall be a



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direction to the respondent to release the General Provident Fund and Special Provident Fund to the petitioner immediately and the remaining amount of Earned Leave and Gratuity shall be given to the petitioner subject to the result of the criminal case.

8. With the above direction, this Writ Petition stands disposed of.

No costs.

15.09.2023
(2/2)

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

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To

1. The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai-08.

2. The Director of Survey and Settlement,
Chepauk,
Chennai-05.



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N.SATHISH KUMAR, J.
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