



W.P.No.30362 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.30362 of 2022

K.Sivaraman

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Revenue & Disaster Management Department,
Secretariat,
Fort St. George, Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Chepauk,
Chennai – 5.

3.The District Collector,
Chengalpattu,
District Collectorate,
Chengalpattu District.

4.The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India

for issuance of a Writ of Certiorarified Mandamus to call the records of

the 4th respondent pertaining to his order made in Na.Ka.No.2252/



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2020/A1 dated 25.10.2022 and quash the same and consequently to direct

the respondents to reinstate the petitioner in service.

For Petitioner : Mr.S.Kartik

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order of the 4th respondent, dated 25.10.2022, rejecting the request of the petitioner to revoke his suspension and reinstate him into service.

2.It is the case of the petitioner that, while he was working as Village Administrative Officer in Vallam Village, he was placed under suspension by the 4th respondent by order dated 31.12.2020 on the basis of a criminal case registered against him in Crime No.25 of 2020 under Sections 7 and 12 of Prevention of Corruption (Amendment) Act, 2018, for the alleged receipt of bribe and he was remanded to judicial custody. It is the grievance of the petitioner that he has been placed under prolonged suspension from the year 2020. The petitioner submitted representation to the respondents to revoke his suspension and reinstate him into service.



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Pursuant to the orders of this Court in W.P.No.15318 of 2021, the 4th respondent has passed orders on the representation of the petitioner, by rejecting the request of the petitioner to reinstate him in service. Challenging the same, the present writ petition has been filed.

3.It is the contention of the respondents in the counter affidavit that the petitioner was arrested under trap case for receipt of bribe and a criminal case was registered against him in Crime No.25 of 2020 under Sections 7 and 12 of Prevention of Corruption (Amendment) Act, 2018 and the same is still pending. Therefore, the petitioner has been placed under suspension.

4.Heard the learned counsel for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader, appearing for the respondents.

5.The petitioner is placed under suspension based on a criminal case registered against him for the offences which are serious in nature. However, the petitioner is under prolonged suspension from the year 2020 onwards and it is stated that he has been paid Subsistence Allowance



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regularly. It is relevant to note that prolonged suspension will not serve

any purpose. In fact, it may lead to loss to the Government Exchequer by

just paying Subsistence Allowance without extracting any work. 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 decide to proceed with the disciplinary proceedings

independently without waiting for the outcome of the criminal case. In

such event, the respondent authorities shall strictly follow the guidelines

issued by the Government in G.O.(Ms) No.81, Human Resources

Management (N) Department, dated 04.08.2022. However, since the

petitioner is placed under prolonged suspension, let the authorities review

the order of suspension.

6.In view of the above, the respondents shall consider

reinstating the petitioner and may post him in a non-sensitive post, even

outside the District, if required, and accordingly, pass appropriate orders

within a period of three months from the date of this order.



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7. With the above directions, this writ petition is disposed of. No

costs.

07.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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