



W.P.(MD).No.14793 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14793 of 2023

and

W.M.P(MD) No.12480 of 2023

Y.Baskaran

... Petitioner

Vs.

1. The Secretary to Government,
Commercial Taxes and Registration (H) Department,
Secretariat,
St. George Fort,
Chennai – 9.

2. The Inspector General of Registration,
No.100, Santhom Highway,
Chennai.

3. The Deputy Superintendent of Police,
DVAC, Karur.

... Respondents

(R3 is *Suo Motu* impleaded vide order of this
Court dated 30.10.2023 in W.P(MD) No.14793 of 2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus to call for the
records pertaining to the impugned order of suspension in G.O.2(D), No.31,
dated 19.08.2021 issued by the first respondent (Commercial Taxes and



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Registration (H) Department, Chennai and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and consequently direct the respondents to revoke the suspension order dated 19.08.2021 and reinstate the petitioner in service and regularize the period of suspension with all monetary benefits.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed by the District Registrar (Admin), Karur District, challenging the order of suspension, dated 19.08.2021.

2. According to the learned counsel appearing for the writ petitioner, FIR was registered as against the petitioner on 13.08.2021 in Crime No. 6/Ac/21 under Sections 7, 7 r/w 12 of Prevention of Corruption Act, 1988. Based upon the said F.I.R, the petitioner was placed under suspension under Rule 17 (e) 1(ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1988, under the impugned order, dated 19.08.2021.



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3. According to the learned counsel appearing for the writ petitioner, the police officials have closed the F.I.R and they have reported to the learned Chief Judicial Magistrate, Karur that they have dropped the action. The learned Chief Judicial Magistrate, Karur, by his order, dated 08.06.2023 has accepted the report and FIR has been closed. Hence, the petitioner seeks to set aside the order of suspension.

4. Per contra, the learned Special Government Pleader appearing for the respondents herein brought to the notice of this Court that the proceedings are now pending before the Tribunal for initiating disciplinary proceedings and so far, charges have not been framed by the Tribunal.

5. Considering the fact that the impugned order of suspension was issued solely based upon the criminal case and subsequently, the vigilance authorities have dropped the action and the same has been accepted by the Chief Judicial Magistrate, Karur, this Court is inclined to direct the first respondent herein to review the order of suspension and pass fresh orders within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

20.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Secretary to Government,
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R.VIJAYAKUMAR,J.

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