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W.P.(MD).No.10251 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.10251 of 2016

and

W.M.P.(MD).Nos.8006 and 8007 of 2016

M.Marisankar

... Petitioner

Vs.

The Sub Collector,
Thoothukudi Taluk,
Thoothukudi District.

... Respondent

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 passed by the respondent in Roc.No.B1/1365/2015, dated 03.06.2016, quash the same and consequently direct the respondent to reinstate the petitioner into service, within a time frame fixed by this Court.

For Petitioner : Mr.R.V.Rajkumar

For Respondent : Mr.R.Suresh Kumar,
Additional Government Pleader.



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ORDER

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This Writ Petition is filed challenging the suspension order dated 03.06.2016 with a consequential direction to reinstate the petitioner into service.

2. The petitioner was appointed as Village Administrative Officer on 12.04.2012. On 19.01.2015, the petitioner received a representation in the name of one L.Rengasamy Gounder in which it is stated that the land in Survey No.798/6, Umarikottai Village, Varadarajapuram belongs to him and the patta has been changed in his name and in support of his contention, he has attached the sale deed. The petitioner has perused the records and it was found that the applicant is Chellathurai and not Rengasamy Gounder who was the purchaser in the sale deed. While dealing with this case, there was an allegation against the petitioner that he demanded illegal gratification of Rs.2500/-. Therefore, a criminal case was initiated against the petitioner and he was suspended from service. Hence, challenging the suspension order, the present Writ Petition is filed.



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WEB COPY 3. An FIR was registered against the petitioner in Crime No.3 of 2015 and charge sheet was filed in C.C.No.3 of 2016 on the file Chief Judicial Magistrate, Thoothukudi. The petitioner is facing the criminal case and the Trial has started and the witnesses were also examined. In the meanwhile, the respondents have issued charge memo dated 02.05.2019 for initiating domestic enquiry.

4. When the Writ Petition was taken up for hearing, this Court has granted interim stay of the impugned suspension order. Based on the said order, the respondents have reinstated the petitioner and the petitioner is continuing the service. Therefore, this Court is of the considered opinion that since the petitioner has already joined the service, the impugned suspension order is quashed.

5. The respondents have already issued charge memo for initiating disciplinary proceedings and are at liberty to proceed with the disciplinary proceedings as per law. There is no impediment to the respondents to proceed with the disciplinary proceedings de hors criminal proceedings.



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6. However the Learned Counsel appearing for the petitioner submitted since the trial had started, the respondents may be directed to pass final orders after disposal of the criminal case. It is made clear that the respondents are at liberty to proceed with the disciplinary de hors criminal proceedings, but shall pass final orders after the disposal of the criminal case.

7. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

The Sub Collector,
Thoothukudi Taluk,
Thoothukudi District.



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S.SRIMATHY, J.

Nsr

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