



WEB COPY



W.P.No.2303 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2303 of 2024

and

W.M.P.No.2493 of 2024

M.Sivakumar

.....

Petitioner

Vs

1. The Special Commissioner cum
The Director, Survey and Land Record,
“Survey House”, Chepauk, Chennai – 600 005.

2. The Assistant Director,
Survey and Land Records,
Office of the District Land Survey
Perambalur.

.....

Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent herein in proceedings No.Na.Ka.A2/1534/2022 dated 19.10.2023, quash the same and to direct the respondents herein to grant the promotions to the petitioner herein with all consequential benefits in accordance with law.

For Petitioner : Mr.G.Purusothaman

For Respondents : Mr.K.H.Ravikumar
Government Advocate



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ORDER

This Writ Petition has been filed challenging the charge memo issued against the petitioner dated 19.10.2023 on the file of the second respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was initially appointed as Surveyor cum Draughtsman in the office of the Inspector of Survey, Kulithalai with effect from 01.07.1988. Subsequently, he was transferred to the Taluk Office, Perambalur. While being so, on the complaint lodged by one Srinivasan, an FIR was registered as against the petitioner by the Inspector of Police, Vigilance and Anti-Corruption, Trichy, on 17.08.2004 in Crime No.7 of 2004 for the offences under Sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, alleging that he had demanded a sum of Rs.1,000/- to survey the house of the Srinivasan's father.

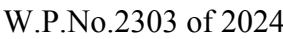
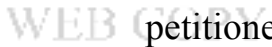


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4. On the strength of the complaint, a trap was set to be arranged on 17.08.2004. Subsequently, he was arrested on 18.08.2004 and remanded to judicial custody. Therefore, he was deemed to be suspended from service on 19.08.2004. In fact, the said order of suspension was challenged before this Court and this Court directed the second respondent to complete the disciplinary proceedings within the stipulated time. In the meanwhile, the Investigating Officer, completed the investigation and filed final report and the same has been taken cognizance by the Trial Court in Spl.C.C.No.2 of 2006. Though the Trial Court convicted the petitioner. In the appeal, this Court allowed the appeal and the petitioner was acquitted from all the criminal charges.

5. Pursuant to the order of acquittal in Crl.A.No.731 of 2016 dated 28.09.2022, the petitioner was reinstated into service. While being so, now the petitioner was served with charge memo dated 19.10.2023 under Section 17(E) of the Tamil Nadu Civil Services (D & A) Rules, for the very same set of six charges levelled against him earlier in the year 2006.

6. The learned counsel appearing for the petitioner would submit



7. Therefore, this Court finds no infirmity or illegality in the writ issued against the petitioner dated 19.10.2023. Thus, the writ stands void of merits and it is liable to be dismissed. Accordingly, this writ stands dismissed. However, the second respondent is directed to complete disciplinary proceedings within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous applications are disposed of. No costs.

02.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Special Commissioner cum
The Director, Survey and Land Record,
“Survey House”, Chepauk, Chennai – 600 005.

2. The Assistant Director,
Survey and Land Records,
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Perambalur.

G.K.ILANTHIRAIYAN. J.



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