



WEB COPY



W.A.No.632 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

Writ Appeal No. 632 of 2024
and
CMP.Nos.4470 and 4473 of 2024

P. Amalaraj

.. Appellant

Versus

The Sub Collector
Tindivanam Revenue Division
Tindivanam, Villupuram District

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 09.10.2023 passed by the learned Judge in WP. No. 29175 of 2023.

For Appellant	:	Mr. K.V. Muthu Visakan
For Respondent	:	Mr. Shahjahan Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

The appellant / writ petitioner has preferred this intra-court appeal, as against the order dated 09.10.2023 passed by the learned Judge in W.P. No. 29175 of 2023 filed by him.



W.A.No.632 of 2024

2. The appellant has filed the aforesaid Writ Petition praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in the proceedings made in R.C. No.A1/1043/2020 dated 18.02.2020, quash the same and direct the respondent to permit him to continue in service as Village Administrative Officer, Attiur Village, Gingee Taluk, Villupuram District, as per his representations dated 10.10.2022 and 07.08.2023.

3. According to the appellant, on 15.12.2016, he was selected for the post of Village Administrative Officer in the Tamilnadu Ministerial Service through the examination conducted by the Tamil Nadu Public Service Commission. Subsequently, by proceedings dated 10.02.2017 of the respondent, he was posted as Village Administrative Officer of Attiur Village, Gingee Taluk, Villupuram District. The appellant also joined the post on 17.02.2017. Subsequently, by proceedings dated 13.12.2019 of the respondent, the probation of the appellant was also declared with effect from the date of joining the post namely 17.02.2017. While the appellant was working as such, based on the complaint given by the Tamil Nadu Public Service Commission, a case in Crime No.2 of 2000 was registered by CBCID - HQRS, ATC, Chennai for the alleged offence under Sections 462, 468, 472 and 120 B of the Indian Penal Code. As per the complaint, some persons have



W.A.No.632 of 2024

indulged in malpractice during the written examination conducted at Ilayangudi Centre for the post of Village Administrative Officer, held on 28.02.2016. In the complaint, it was further stated that nine candidates who appeared for the exam have indulged in malpractice and that the commission suspects that those candidates, through such malpractice, have secured higher marks in the competitive examination. Even though the name of the appellant was not included in the FIR, on 14.02.2020, he was arrested and remanded to judicial custody. Subsequently, on 24.06.2020, the appellant was released on bail. Pursuant to the same, he was placed under suspension on 18.02.2020. When the things stood thus, seeking to review the order of suspension, the appellant submitted representations on 12.10.2020, 03.11.2020, 10.10.2022 and 07.08.2023, however, no order has been passed thereof. Hence, the appellant has filed the Writ Petition challenging the validity of suspension order passed against him.

4. When the writ petition was taken up for hearing, the learned Judge, after hearing the counsel for both sides, concluded that when a representation has been submitted by the appellant, the respondent is duty bound to pass an order, either accepting or rejecting the representation, instead of keeping it pending. Accordingly, the learned Judge, by the order impugned



W.A.No.632 of 2024

herein, without interfering with the order of suspension challenged in the writ petition, issued a Mandamus directing the respondent to consider the representations dated 10.10.2022 and 07.08.2023 of the appellant on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of the order. Questioning the correctness of the order so passed by the learned Judge, the appellant has come up with this intra-court appeal.

5. When the writ appeal is taken up for hearing, the learned Special Government Pleader appearing for the respondent produced a copy of the proceedings of the respondent in Mu.Mu.A1/1043/2020 dated 19.01.2024. In the proceedings dated 19.01.2014, among other things, it was stated that by order dated 29.04.2023, subsistence allowance was directed to be ordered to the appellant and he is in receipt of the same. It was further stated that during the pendency of criminal case against the appellant, it may not be appropriate to reinstate him in service. Therefore, the respondent refused to reinstate the appellant in service by citing the pendency of the criminal proceedings against him.



W.A.No.632 of 2024

6. In the light of the aforesaid proceedings dated 19.01.2014 of the respondent, no further orders need be passed in this appeal, except recording the same. Accordingly, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J] [M.S.Q., J]

25.03.2024

Index : Yes / No
Internet : Yes / No

av/rsh

To

The Sub Collector
Tindivanam Revenue Division
Tindivanam, Villupuram District



WEB COPY



W.A.No.632 of 2024

R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

rsh/av

WA No. 632 of 2024

25.03.2024