



W.P.No.3060 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3060 of 2024

S.Ramu

.. Petitioner

Vs.

1. The Principal Secretary
Municipal Administration & Water Supply Department (ME.4)
St. George Fort, Chennai – 600 009.
2. The Directorate of Municipal Administration
75, Urban Administrative Building
Santhome High Road
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028.
3. The Commissioner
Thiruninravur Municipality
Thiruninravur, Thiruvallur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the records of the second respondent herein in Roc.No.518/2023/K1-1 & Roc.No.518/2023/K1-2 dated 28.04.2023 and quash the same as arbitrary and against the principles of natural justice and consequently direct the respondents to settle the claim of the petitioner for General Provident Fund, Special Provident Fund, Encashment of Earned Leave, Encashment of Un-Earned Leave standing to the credit of the petitioner as on 30.04.2023.



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For the Petitioner : Ms.A.Pramila
For the Respondents : Mr.P.Ganesan
Government Advocate
for R1 and R2

Mr.P.Srinivas
for R3

ORDER

The petitioner is challenging the order dated 28.04.2023, placing him under suspension.

2. The case of the petitioner is that earlier the petitioner was placed under suspension and the suspension was challenged, where this Court directed the respondents to revoke the suspension and accordingly, the petitioner's suspension was revoked and he was working in service. While so, for the very same cause, for the second time, he cannot be suspended and that would amount to double jeopardy.

3. The petitioner is facing a criminal case in C.C.No.10 of 2015 on the file of the Chief Judicial Magistrate cum Special Judge, Tiruvallur for the offence committed under Sections 7, 12 and 13(2)



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r/w 13(1)(d) of the Prevention of Corruption Act, 1988.
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4. Heard *Ms.A.Pramila*, learned counsel for the petitioner, *Mr.P.Ganesan*, learned Government Advocate for the respondents 1 and 2 and *Mr.P.Srinivas*, learned counsel for respondent 3.

5. Straightaway, the contention of learned counsel for the petitioner, that the order of suspension amounts to double jeopardy, is to be rejected. When the criminal case was initiated, the petitioner was suspended. Since the suspension was prolonged, this Court directed revocation of suspension and accordingly, the suspension was revoked. The petitioner was about to superannuate with effect from 30.04.2023. The petitioner cannot be permitted to go on superannuation because he is facing a serious criminal case of corruption, being caught red-handed on a trap.

6. Therefore, the respondents have rightly placed the petitioner under suspension. The only grievance of the petitioner could be the prolonging of the criminal case. In that event, the



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learned Additional Government Pleader would submit that the said case is now in defense stage.

7. In view thereof, the writ petition stands disposed of on the following terms:

- (i) the prayer of the petitioner to quash the order of suspension dated 28.04.2023 shall stand negated;
- (ii) the learned Chief Judicial Magistrate cum Special Judge, Tiruvallur is directed to dispose of the criminal case in C.C.No.10 of 2015 as expeditiously as possible, in any event not later than a period of two months from the date of receipt of a copy of this order; and
- (iii) if any subsistence allowance is due to the petitioner, the same shall be paid to the petitioner.

There shall be no order as to costs. Consequently, W.M.P.Nos.3344 and 3345 of 2024 are closed.

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Index : Yes/No
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D.BHARATHA CHAKRAVARTHY,J.

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