



WEB COPY



W.P.No. 5374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5374 of 2024

S.Murugesan

.... Petitioner

Vs

1. The District Collector,
Vellore District.

2. The Tahsildar,
Katpadi.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to revoke the suspension order dated 23.09.2009 issued in Na.Ka.No.7978/2009 and re-instate the petitioner in service as Village Assistant with effect from 23.09.2009 and to grant all monetary and service benefits on par with my juniors by considering the petitioner representation dated 31.08.2023.

For Petitioner : M/s.V.Selvi George

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER



W.P.No. 5374 of 2024

This Writ Petition has been filed challenging the order of suspension dated 23.09.2009, thereby suspended the petitioner from service with effect from 23.09.2009 pursuant to the judicial custody.

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

3. The petitioner was appointed as a Village Watcher by the Tahsildar, Gudiyatham, by the proceedings dated 07.08.1989, on temporary basis. Thereafter, applications were invited for direct recruitment to the post of Village Watcher, which is a permanent post by the Advertisement dated 02.10.1989. He was appointed as a Village Watcher on 23.07.1990. While being so, on 15.09.2000, a criminal case was registered in Crime No.400 of 2007 on the file of the Inspector of Police, Katpadi Police Station for the offences under Sections 468, 471, 419, 420 and 417 of IPC. Pursuant to the registration of the FIR, he was arrested and remanded to judicial custody. Therefore, he was deemed to have been suspended from the date of his arrest, i.e., on 23.09.2009.



W.P.No. 5374 of 2024

4. After completion of investigation, the Investigating Officer filed final report and the same has been taken cognizance by the Judicial Magistrate, Katpadi, Vellore in C.C.No.384 of 2009. The Trial Court found the petitioner guilty and he was convicted for the offences under Sections 468, 471, 420 and 419 of IPC and sentenced to undergo one year imprisonment. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.4 of 2017 and the same was also dismissed by a Judgment dated 12.07.2019. Once again, the petitioner preferred a revision before this Court as against the conviction in Crl.R.C.No.953 of 2019. This Court, by an order dated 24.07.2023, acquitted the petitioner. So far, no disciplinary action has been taken as against the petitioner. Therefore, the petitioner, now challenges the order of suspension dated 23.09.2009.

5. Considering the above facts and circumstances of the case, the respondents are directed to revisit the order of suspension in view of the order of acquittal passed by this Court in Crl.R.C.No.953 of 2019 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed



W.P.No. 5374 of 2024

of. No costs.

WEB COPY

04.03.2024

Index:Yes/No
Speaking Order: Yes
Lpp

To

1. The District Collector,
Vellore District.

2. The Tahsildar,
Katpadi.

G.K.ILANTHIRAIYAN, J.

Lpp



WEB COPY



W.P.No. 5374 of 2024

W.P.No.5374 of 2024

04.03.2024