



WEB COPY



W.P.No. 6419 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.6419 of 2024
and
W.M.P.No.7133 of 2024**

N.E.Devarajan Petitioner

Vs

1. Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2. The Deputy Inspector General of Registration,
Vellore. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent herein in his proceedings Proc.No.3270/A1/2019 dated 14.10.2019 and quash the same and consequently direct the respondent herein to reinstate the petitioner into service, together with all consequential service and monetary benefits, within a time frame as deem fit and proper by this Court.



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For Petitioner : Mr.G.Bala

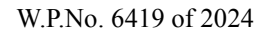
For Respondents : Mr.R.Neethiperumal
Government Advocate

ORDER

This Writ Petition has been filed challenging the order of suspension dated 14.10.2019 passed by the second respondent.

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

3. The petitioner was appointed as Typist on 14.11.1994 and subsequently, he was promoted to the post of Assistant. Finally, he was promoted as Sub-Registrar on 01.04.2012. While being so, on 11.10.2019, on a complaint, an FIR was registered in Crime No.20 of 2019 for the offence under Section 7 of Prevention of Corruption Act, 1988, alleging that the petitioner had demanded a sum of Rs.1,00,000/- as illegal gratification from the complainant and also accepted the same for registering the documents. A trap was laid on 11.10.2019 and he was arrested and remanded to judicial custody. Pursuant to the said complaint, by an order



4. On the other hand, the Investigating Officer filed final report same has been taken cognizance in Spl.S.C.No.14 of 2021 before Judicial Magistrate, Vellore and as of now, the trial has not been completed and it is pending. Therefore, the petitioner has been placed under suspension and it is continued for more than 4½ years. The petitioner is also receiving pension of 75% as last drawn pay. It is a well settled principle of law that prolonged suspension is bad in law and his suspension is for an indeterminate or if its renewal is not based on sound reasons, this would render it punitive in nature.

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suspension without any work and the subsistence allowance is being paid for an unspecified period, then the same would cause prejudice to the public administration. Though the petitioner is involved in a corruption case, prolonged suspension cannot be sustained and it is liable to be quashed.

6. Accordingly, the order of suspension dated 14.10.2019 passed by the second respondent, is hereby quashed. The respondents are directed to reinstate the petitioner into service and post him in any one of the non-sensitive post till the disposal of the disciplinary proceedings as well as the criminal case. It is also made clear that the disciplinary proceedings shall be completed before his retirement.

7. In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

12.03.2024
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Index: Yes/No
Speaking Order: Yes
Lpp



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To

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No.100, Santhome High Road,
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2. The Deputy Inspector General of Registration,
Vellore.



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G.K.ILANTHIRAIYAN, J.

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