



WEB COPY



W.P.No. 6420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.6420 of 2024
and
W.M.P.Nos.7138 & 7140 of 2024**

P.Ponpandian

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Petitioner

Vs

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

2. The Deputy Inspector General of Registration,
Chennai Zone,
Chennai.

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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 second respondent herein in his proceedings Proc.No.158/A1/2019 dated 21.01.2019 and further confirmed by the first respondent herein in his proceedings No.1980/V2/2019 dated 08.01.2024 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 passed by the second respondent dated 21.01.2019 and confirming the order passed by the first respondent dated 08.01.2024, thereby suspended the petitioner from service.

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

3. The petitioner was directly recruited to the post of Sub Registrar on 22.07.2013. While being so, on a complaint, an FIR was registered in Crime No. 2 of 2019 for the offence under Section 7 of Prevention of Corruption Act, 1988, alleging that the petitioner demanded a sum of Rs.5,000/- as illegal gratification from the defacto complainant. A trap was laid on 11.01.2019 and the petitioner was arrested and remanded to judicial custody on 21.01.2019. Therefore, the petitioner was deemed to be suspended from service from the date of his arrest. Thereafter, the petitioner was served with a charge memo and the disciplinary proceedings is pending.

4. On the other hand, after completion of investigation, the



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Investigating Officer filed final report and the same has been taken cognizance in Spl.S.C.No.9 of 2022 before the Chief Judicial Magistrate, Chengalpattu, and it is pending for trial. From the date of his suspension, the petitioner is receiving subsistence allowance and now it is enhanced to 75% of his last drawn pay. While being so, the petitioner submitted a representation to revoke the order of suspension and the same was not considered by the respondents. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P.No.26754 of 2023 and this Court, by an order dated 31.10.2023, directed the respondents to consider the representation of the petitioner for revocation of suspension in accordance with G.O.Ms.No.81, dated 04.08.2022. However, the first respondent also rejected the request made by the petitioner and the order of suspension passed by the second respondent was confirmed.

5. Keeping the petitioner under suspension for an unspecified period will cause financial loss to the State. Further, when an employee is kept under suspension without any work and the subsistence allowance is being paid for an unspecified period, then the same would cause prejudice to



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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 passed by the second respondent dated 21.01.2019 and the order passed by the first respondent dated 08.01.2024, are 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 petitions are closed. No costs.

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Index:Yes/No
Speaking Order: Yes
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To

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G.K.ILANTHIRAIYAN, J.



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