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W.P.No.12583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12583 of 2024 and
WMP.No.13746 of 2024

Muruganandam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Central Chennai Division,
Thirumangalam,
Chennai 600 101

2.The Tahsildar,
Ambattur Taluk,
Chennai District

3.The Inspector of Police,
Vigilance and Anti Corruption Unit-I,
Chennai

(3rd respondent *suo motu* impleaded as per
order dated 03.06.2024 in WP.No.12583 of 2024)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the respondents in connection with the impugned order issued by the first respondent in A1/552/2021 dated 23.03.2021 and quash the same and directing the first respondent to reinstate the petitioner into service with all consequential and monetary benefits.



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For Petitioner : Mr.Dhinesh Kumar
for M/s.Dhineshkumar Associates

For Respondents
For R1 & 2 : Mr.S.Balamurugan,
Government Advocate

For R3 : Mr.C.Jayaprakash,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 23.03.2021 thereby suspended the petitioner from service.

2. The petitioner was initially appointed as Village Assistant on 01.12.2014 and he was posted at Kovilpathagai Village, Ambattur. Later he was transferred to Korattur, Chennai in the Tahsildar Officer as Assistant. While being so, on a complaint, the Inspector of Police, Vigilance and Anti Corruption set up a trap alleging that the Tahsildar, Ambattur demanded a bribe amount of Rs.80,000/- for issuance of patta, in which the petitioner who was being an Assistant to the Tahsildar, as



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directed by the Tahsildar, he received bribe money and he was caught red handedly. The Tahsildar as well as the petitioner were arrested and remanded to judicial custody in pursuant to the registration of FIR in crime No.4/AC/2021/CC-1 for the offence punishable under Section 7 of Prevention of Corruption (Amendment) Act, 2018. In pursuant to the arrest, he was deemed to be suspended by order dated 23.03.2021 passed by the first respondent. Even after completion of three years from the date of registration of FIR, no charge sheet has been laid and the petitioner was also not served with any charge memo so far. Therefore, the petitioner submitted representation to revisit the order of suspension. However, so far the representation submitted by the petitioner is not considered.

3. Heard, the learned counsel appearing on either side.

4. This Court *suo motu* impleaded the third respondent. The third respondent filed status report, which revealed that in a complaint from one, S.Mohan Gabriel, the Tahsildar i.e. R.Parvathy alleged that he



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applied for patta, for which the Tahsildar demanded bribe and the same was informed through the second accused. On the said complaint, FIR was registered and set up a trap on 22.03.2021. Immediately after receipt of the bribe amount from the complainant through the petitioner in the presence of the Tahsildar and also when the petitioner was counting money, they were caught red handedly. Subsequently, they were arrested and remanded to judicial custody. Now, investigation is pending and sanction to prosecute has been sought for. Even after completion of three years, no charge sheet has been laid in the criminal case as well as the petitioner was also not served with charge memo.

5. Further, as per GO.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022, the order of suspension of service should not be allowed to continue more than three months without any valid reason. Therefore, the order of suspension has to be revisited and the petitioner may be posted in a non sensitive post.

6. In view of the above, the first respondent is directed to



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revisit the order of suspension dated 23.03.2021 in the light of the GO.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022 and pass orders to place the petitioner in any one of the non sensitive posts on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

7. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

16.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Revenue Divisional Officer,
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Chennai 600 101
- 2.The Tahsildar,
Ambattur Taluk,
Chennai District
- 3.The Inspector of Police,
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