



WEB COPY



W.P.No.12598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM:

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

W.P.No.12598 of 2023
and W.M.P.No.12400 of 2023

K.Purusothman

... Petitioner

Vs

1. The District Collector,
District Collector's Office,
Vengikkal,
Tiruvannamalai – 606 604.

2. The Block Development Officer (BP),
Polur Block,
Tiruvannamalai District – 606 803.

3. The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruvannamalai.
(R3 *suo motu* impleaded
vide order dated 25.04.2023
made in W.P.No.12598 of 2023)

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for records of the impugned suspension order passed by the first respondent vide Proc.No.9936/2022/PA2, dated 20.07.2022 and quash the same and consequently direct the first and second respondents to reinstate the petitioner in any non-sensitive post.



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For Petitioner : Mr.Naveen Kumar Murthi
for Mr.G.V.Mohan Kumar
For R1 and R3 : Mr.C.Jayaprakash
Government Advocate
For R2 : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 20.07.2022, thereby suspended the petitioner from service.

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

3. The petitioner had joined in the Government service on 28.01.2008. When the petitioner was working as Overseer in Polur Block Development Office, on a complaint, a trap was fixed and the petitioner got red-handedly while receiving bribe of Rs.20,000/-, on 18.07.2022. Immediately, the petitioner was arrested and remanded to judicial custody, pursuant to the registration of FIR in Crime No.08 of 2022, on the file of the Inspector of Police, Vigilance and Anti-Corruption, Tiruvannamalai under Section 7 of the Prevention of Corruption Act, 1988 as amended by the PC (Amendment) Act,



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2018. The allegations are that he had demanded a sum of Rs.20,000/- as bribe from a Sub Contractor one D.Rajaram, Tindivanam Village, Polur Taluk, Tiruvannamalai District for passing the bill amount on “M Book” for Tindivanam Village Panchayat MGR Salai “Side Kalvai” (15th Finance Commission Fund Scheme – Rs.2,00,000/- Project).

4. The learned counsel for the petitioner would submit that so far, no trial has been commenced in the criminal case registered as against the petitioner. On the date of arrest, the petitioner was deemed to be suspended by an order dated 20.07.2022. So far, the petitioner was not served with any charge memo. The order of suspension is pending for nearly two years.

5. Therefore, hes relied upon the Government Order in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022, thereby issued guidelines for review of suspension orders. In a criminal case registered as against the petitioner, now culminated into trial in Spl.C.C.No.4 of 2024, on the file of the learned Chief Judicial Magistrate cum Special Judge, Tiruvannamalai, in which the petitioner is arrayed as a sole accused. The petitioner was served with a charge sheet and it is posted for framing charges.



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Insofar as the departmental proceedings is concerned, the petitioner was not served with charge memo so far. In the case of Vigilance and Anti Corruption, only after completion of criminal case, the charge memo will be issued to the delinquent. However, the petitioner is suffering with suspension order for the past two years.

6. In view of the guidelines, issued in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022, the first respondent is directed to revisit the order of suspension of the petitioner as per the guidelines issued in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a 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.

10.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J,

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