



W.P.No.11425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.07.2024

CORAM
THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN.

W.P.No.11425 of 2024

K.Kumar

.. Petitioner

Vs.

1. The District Collector
Salem.
2. The Personnel Assistant to the District Collector
(Development), Salem District
Salem.
3. Block Development Officer
Omalur, Panchayat Union
Omalur, Salem District.
4. The Inspector of Police
Omalur, Salem District.

[R4 impleaded vide order dated 24.04.2024
in W.P.No.11425 of 2024]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records of the order of the suspension made in NA.Ka.No.22879/2019/T3 dated 04.11.2020 consequential order passed in Na.Ka.No.22879/2019/T3 dated 12.02.2024 on the file of the second respondent and quash the same direct the respondents to reinstate the petitioner at liberty to post him in a non-sensitive post.

For Petitioner : Mr.C.Mahendran
For Respondents : Mr.S.Arumugam



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Government Advocate

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ORDER

The present writ petition has been filed challenging the order of suspension dated 04.11.2020 passed by the second respondent and the order dated 12.02.2024, thereby rejecting the request made by the petitioner to revoke the order of suspension.

2. The petitioner was working as the Panchayat Secretary in M.Chettypatty Village Panchayat and was subsequently transferred to Puliampatty Village Panchayat. While being so, the petitioner is alleged to have committed the offence of stealing steal materials worth about Rs.70,000/- from the office of the Deputy Block Development Officer, Omalur.

3. In pursuance to the complaint lodged, the Inspector of Police, Omalur Police Station, registered the First Information Report in Crime No.319 of 2019 for the offences committed under Sections 409 and 381 of the Indian Penal Code, 1860. Pursuant to the registration of the First Information Report, the petitioner was arrested and was remanded in judicial custody.



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4. Therefore, the petitioner was deemed to be placed under suspension by the order passed the second respondent dated 04.11.2020. Subsequently, the petitioner made a request to revoke the order of suspension and the same was also rejected by the second respondent vide order dated 12.02.2024 on the ground that a criminal case is pending against the petitioner.

5. This Court *suo motu* impleaded the fourth respondent and the fourth respondent filed a status report with regard to the pendency of the criminal case. A perusal of the status report would reveal that after registration of the First Information Report in Crime No.319 of 2019, investigation was completed only in the year 2024. Only after impleading the fourth respondent, the fourth respondent woke up and filed the final report on 17.07.2024 in Crime No.319 of 2019 before the concerned jurisdictional Magistrate Court.

6. The counter filed by the second respondent and the submissions advanced by *Mr.S.Arumugam*, learned Government Advocate, would reveal that the petitioner had indulged in very serious



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offences in the office premises of the Deputy Block Development Officer, Omalur by committing theft of steal materials worth Rs.70,000/-. Pursuant to the same, a complaint was lodged and the same has been registered in Crime No.319 of 2019 for the offences committed under Sections 409 and 381 of Indian Penal Code, 1860.

7. Subsequent to the registration of the First Information Report, the petitioner was arrested and was remanded to judicial custody. Therefore, the petitioner has committed very serious offence and as such, he was placed under suspension vide order dated 04.11.2020.

8. Admittedly, the petitioner was not served with the charge memorandum so far for initiation of disciplinary proceedings in pursuance to the registration of the criminal case against the petitioner. In fact, the criminal case is also pending without filing final report being filed till 16.07.2024. Only after impleading the fourth respondent as a party respondent to the present writ petition, the fourth respondent filed the final report and it is pending for taking cognizance before the Trial Court. The petitioner is suffering from



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prolonged suspension. That apart, the petitioner is receiving subsistence allowance without any work being assigned for the past five years.

9. In view of the Government Order in G.O.Ms.No.81 dated 04.08.2022, the second respondent is directed to revisit the order of suspension dated 04.11.2020 and place the petitioner in any one of the non-sensitive post within a period of four weeks from the date of receipt of a copy of this order till completion of the criminal case/disciplinary proceedings.

10. With the above directions the writ petition is disposed of. There shall be no order as to costs.

30.07.2024

Neutral Citation : Yes/No

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G.K. ILANTHIRAIYAN, J.

(drm)

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