



W.P.No.16931 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.11.2024

THE HONOURABLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No.16931 of 2024

G.Santhi

...Petitioner

VS

- 1.The Secretary to Government
Adi-Diravidar and Tribal Welfare Department
 2. The Director
Adi-Diravidar Welfare
 3. The District Collector
Erode District
 - 4.The District Collector
Salem District, Salem.
 5. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Namakkal District.
- (R-5-Suo Motu impleaded as per order dated 28.06.2024
in W.P.No.16931 of 2024 by DBCJ)*
...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus or any other writ or order or direction directing the 1st respondent to reinstate the petitioner in the post of District Manager Tamil Nadu



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Adi Dravidar Housing and Development Corporation-Erode by considering my representation dated 18.12.2023.

For Petitioner : Mr.T.N.Rangesh Kanna

For Respondents : Mr.Abishek Murthy GA

ORDER

This writ petition has been filed to direct the 1st respondent to reinstate the petitioner in the post of District Manager Tamil Nadu Adi Dravidar Housing and Development Corporation Erode by considering the petitioner representation dated 18.12.2023.

2.Mr.T.N.Rangesh Kanna, learned counsel for the petitioner would submit that the petitioner was appointed as District Manager Tamil Nadu Adi-Dravidar Housing and Development Corporation Erode on 04.07.2022 and was in full additional incharge for Salem District from 11.01.2023. He would further submit that the petitioner was in service for almost 30 years without any blemish records from his date of appointment as Junior Assitant. While that being so, the 1st respondent issued an order of suspension vide G.O.(3D) No.832, dated 23.06.2023 to the petitioner for he was arrested and remanded in judicial custody in



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connection to a case in Crime No.4/AC/2023 of 2023 on the file of the Inspector of police Vigilance and Anti-Corruption, Salem. Followed by that, the 4th respondent issued an order in Na-Ka-e-49584/2023 dated 29.07.2023.

3. He contended that the said case in Crime No.4/AC/2023 of 2023 was a false case foisted against the petitioner without even conducting any proper enquiry and remanded the petitioner for 48 hours on 15.06.2023. He also relied upon the Apex Court Judgment in **Ajay Kumar Choudhry case** reported in **(2015) 7 SCC 291** and contended that the currency of a suspension order should not extend beyond three months, if within this period, the memorandum of charges/charge-sheet is not served on the delinquent officer/employee. In furtherance to the same, the petitioner gave a representation dated 18.12.2023 to re-instate the petitioner in service to the post of District Manager Tamil Nadu Adi Dravidar Housing and Development Corporation-Erode by reviewing the order of suspension but no action was taken till date. Hence, the petitioner before this court.

4. The learned counsel for the respondent had filed a counter stating that the delinquent officer/the petitioner and one Tmt.M.Santhi, Record Clerk



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(Consolidated Pay), Office of the Distirct Manager, Tamil Nadu Adi-Dravidar

Housing and Corporation, Salem District were trapped on 15.06.2023 and arrested by the Inspector of Police, Vigilance and Anti-Corruption, Salem District on 16.06.2023, for the demand and acceptance of bribe amount of a sum of Rs.15,000/- as an undue advantage for themselves from the complainant to release 50% susidy for purchasing New Mahindra Tractor under the loan of Self Employment Programme for Youth (SEPY) scheme which is at the cost of Rs.7,75,000/- and an FIR was lodged under Crime No.4/AC/2023 on 15.06.2023. Subsequent to that the petitioner was detained in custody on 16.06.2023 and contunied to be under custody for a period of 48 hours.

5. In view of the above government had issued suspension order dated 23.06.2023. Further, the petitioner is being paid Subsistence Allowance for a sum of Rs.30,650/- and was suspended in Public Interest for derelietion of duty and the Directorate of Vigilance and Anti-Corruption has registered a criminal case against petitioner and departmental proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1955 also pending. The learned counsel for the respondent would further submit that if the petitioner is reinstated into



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service, it will affect the Vigilance and Anti-Corruption Department enquiry and department proceedings. Hence, prayed for dismissal of the Writ Petition.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. On going through the averments, it is seen that the petitioner has received the bride by laying a trap, she was caught and a criminal case was filed against the petitioner. Taking into consideration of the above facts and circumstances, this court is not inclined to interfere with the order or decision taken by the Government and issues the following directions,

(a) the authorities are directed to proceed with the criminal case as expeditiously as possible preferably within a period of 16 weeks.

(b) The 5th respondent shall look into the aspect and file the chargesheet within a period of one month and

(c) the Special Judge for Trial Court under Prevention of Corruption Act, Salem is hereby directed to proceed further in the manner known to law and complete the trial within a period of one year thereon. The learned Trial Judge shall not give any unnecessary adjournment to the parties.



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8. With the above direction, this Writ Petition is disposed of. There shall be

no order as to costs.

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Index :Yes/No

Speaking Order/ Non-Speaking Order

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V.BHAVANI SUBBAROYAN, J.

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