



WEB COPY



W.P.No.17470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17470 of 2024 and
W.M.P.No.19263 of 2024

T. Anbarasan

...Petitioner

Vs

The District Revenue Officer,
Collector's Office,
Erode District, Erode

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 31.07.2023 made in Na.Ka.No.3243/2023/A4 on the file of the District Revenue Officer, Collector's Office, Erode District, Erode, the respondent herein and quash the same and consequently direct the respondent to reinstate the petitioner into service and pass orders.

For Petitioner

: Mr.T. Francis Edmund

For Respondent

: Mr.Stalin Abhimanyu

Additional Government Pleader



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ORDER

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The petitioner has filed this writ petition to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 31.07.2023 made in Na.Ka.No.3243/2023/A4 on the file of the District Revenue Officer, Collector's Office, Erode District, Erode, the respondent herein and quash the same and consequently direct the respondent to reinstate the petitioner into service and pass orders.

2. The facts of the case is that the petitioner is working as a Revenue Inspector in Perundurai Firka, Perundurai Taluk, Erode. While so, an F.I.R was registered in Crime No.01 of 2023 on the file of the Inspector of Police, Vigilance and Anti-Corruption, Erode District alleging that he has received Rs.8,000/- as bribe for issuance of legal heirship certificate. Based on the said criminal complaint the petitioner was arrested on 14.02.2023 and subsequent to that the respondent vide his proceedings 17.02.2023 has placed the petitioner under suspension invoking clause(2) of Sub-rule(3) of the Rule 17 of Tamil Nadu Civil Service (Discipline and Appeal) Rules. The grievance of the petitioner is



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that charge memo was served to the petitioner on 15.12.2023 and he has also given explanations to the charge memo and also submitted a representation to the respondent on 15.06.2023 to revoke the suspension. Pursuant to that the respondent passed an order in Na.Ka.No.3243/2023/A4 on 31.07.2023, wherein it has been stated that since the judicial proceedings are pending against the petitioner, it is not possible to consider the representation of the petitioner with regard to revoking the suspension order. Aggrieved over the same the petitioner has come up with this petition.

3.The learned counsel for the petitioner submitted that the petitioner cannot kept under suspension beyond a period of three months without any progress. When this being the case, the respondent has kept the petitioner under suspension from 14.02.2023 and the representation made by the petitioner was also not considered. Hence, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the respondent produced letter of the District Revenue Officer, Erode



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District, Erode, dated 07.11.2024, wherein it has been stated that the charges have been framed against the individual in the Charge Memo Na.Ka.No.3243/2023/A4 dated 07.12.2023 of the District Revenue Officer, Erode U/s 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) rules and charge memo was also served to the individual on 15.12.2023. However, the individual has not submitted his explanation on the charges framed u/s 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) rules till date. As the delinquent has not given explanation, Enquiry Officer has not been appointed. It has been further stated that the charge sheet relating to this case was submitted before the Chief Judicial Magistrate and Special Judge Court, Erode on 01.07.2024.

5. In view of the above facts, this Court directs the Chief Judicial Magistrate of Special Judge Court, Erode to complete the trial within a period of 3 months from the date of receipt of a copy of this order. Based on the Judgment of the Trial Court, the respondent is directed to complete the enquiry against the charge memo issued to the petitioner U/s 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) within a period of 3 months from the date of receipt of a copy of the Judgment of



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the Trial Court. The respondent is further directed to pay subsistence allowance to the petitioner till the conclusion of the final orders passed in the Disciplinary proceedings.

6. With the above directions, this Writ Petition stands disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

08.11.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To

The District Revenue Officer,
Collector's Office,
Erode District, Erode



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V.BHAVANI SUBBAROYAN,J.

Smn

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