



WEB COPY



W.A.No.347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.347 of 2024

Sathiya Arokiyaathan

.. Appellant

Vs.

1.The Commissioner of Municipal Administration
Urban Administrator Building
Santhome High Road
MRC Nagar, Raja Annamalaipuram
Chennai 600 028

2.The Regional Director of Municipal Administration
J.G.Nagar
1st Main Road, Kumaranthapuram
Tiruppur-2

3.The Municipal Commissioner
Udhagamandalam Municipality
Nilgiris District

.. Respondents

Writ appeal filed under Clause 15 of the Letters Patent, against the order dated 24.06.2021 passed in W.P.No.13219 of 2021.



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For Appellant : Mr.T.Shanmugam
For R1 and R2 : Mr.S.Yashwanth
Additional Government Pleader
For R3 : Dr.T.Srinivasan

JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J.)

Heard both sides and perused the records.

2. The appellant / writ petitioner has preferred this writ appeal as against the order dated 24.06.2021 passed by the learned Judge in W.P.No.13219 of 2021.

3. The aforesaid writ petition has been filed for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 3rd respondent in Roc.No.6974/2020/C1 dated 21.08.2020, quash the same and consequently, direct the respondents to reinstate the appellant to the post of Revenue Assistant, Udthagamandalam Municipality, Nilgiris.

4. According to the appellant, he was appointed as a Record Clerk on 15.05.2006 and was promoted as Revenue Assistant in the year 2008. While so,



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he was arrested and remanded to judicial custody on 21.08.2020 on the allegation that he had demanded bribe and a trap was set by Vigilance Department. Pursuant to the same, the appellant was placed under suspension *vide* proceedings dated 21.08.2020. Subsequently, he was released on bail *vide* order dated 03.09.2020 passed by the Court of the Assistant Sessions Judge, Nilgiris District at Udthagamandalam / Special Court under the Prevention of Corruption Act. Thereafter, the appellant made a representation dated 28.09.2020 to the third respondent seeking to revoke his suspension and reinstate him in service. However, the said representation came to be rejected by the third respondent by order dated 20.10.2020, stating that there is a criminal case pending against the appellant and hence, his suspension cannot be revoked. Feeling aggrieved, the appellant preferred WP. No. 13219 of 2021 for the relief stated *supra*.

5. The learned Judge, by order dated 24.06.2021, dismissed the aforesaid writ petition, after having found that the order of suspension is in contemplation of disciplinary proceedings, which was initiated based on the criminal prosecution for the alleged commission of grave offence by the appellant; and that, the criminal case is pending. It was also pointed out that the appellant has not pleaded any special circumstances to quash the order of suspension or to



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revoke the order of suspension. While so, it was observed by the learned Judge that in case for any reason, the criminal case is not disposed of within a reasonable time for no fault of the appellant, it is open to him to request for review of suspension. We do not find any reason to interfere with the order so passed by the learned Judge.

6. At this stage, the learned counsel for the appellant submitted that till today, there is no progress in the criminal case pending against the appellant and hence, liberty may be given to the appellant to approach the authority concerned with a representation seeking revocation of suspension order and on such submission, the same may be directed to be disposed of by the authority concerned as expeditiously as possible.

7. Granting such liberty to the appellant, this writ appeal stands dismissed. No costs.

[R.M.D, J.] [M.S.Q, J.]
02.02.2024

Neutral Citation : Yes/No
gya



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