



WP(MD)No.11063 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11063 of 2023

and

WMP(MD)No.9678 of 2023

V.Selvarangan

.. Petitioner

Vs.

1.The Director,
Survey and Settlement,
Survey House,Chepauk,
Ezhilagam, Chennai-600 005.

2.The Assistant Director,
Survey & Land Records,
Collectorate building,
Theni District- 625 561.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent in the proceedings of reference Na.Ka.No.A4/6401/2022 dated



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30.03.2023 and set aside the order and consequently direct the respondents to reinstate the petitioner in the service as Firka Surveyor, Myladumpaarai Firca, Andipatti Taluk, Theni District in the same station, within a specific time.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus challenging the proceedings of the 2nd respondent in Na.Ka.No.A4/6401/2022 dated 30.03.2023 and for a consequential direction to the respondents to reinstate the petitioner in the service as Firka Surveyor, Myladumpaarai Firca, Andipatti Taluk, Theni District in the same station, within a specific time.

2. Heard Mr.S.Srikanth, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government



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Advocate for the respondents.

3. The petitioner who was kept under suspension in pursuant to the order dated 16.12.2022 has filed this writ petition to set aside the same and reinstate him into service. The request of the petitioner to reinstate him into service was rejected by the 2nd respondent vide proceedings dated 30.03.2023 in view of some pending Vigilance and Anticorruption proceedings. Challenging the same, the petitioner has filed this writ petition.

4. Mr.S.Srikanth, learned counsel for the petitioner submitted that despite the petitioner has placed under suspension, no review order has been passed after six months in compliance of G.O.Ms.No.81 Human Resources Management(N) Department, dated 04.08.2022.

5. N.Ramesh Arumugam, learned Government Advocate for the respondents submitted that pending suspension



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orders have been reviewed periodically including the case of the petitioner and only because of that the petitioner has been continuously kept under suspension.

6. However, no order has been passed consequent to the above review and the reasons for continuing the suspension has not been furnished to the petitioner. However, following the order of the Hon'ble Supreme Court held in *Ajay Kumar Choudhry v. Union of India and others reported in 2015 (3) CTC 119*, the Government has given certain instructions vide Govt. Letter(Ms)No. 43/N/2015 dated 26.04.2016, with regard to the suspension arising out of criminal cases.

7. In the impugned order dated 30.03.2023, it is mentioned that so far as the petitioner is concerned, no criminal case/disciplinary proceedings has been initiated till then. However, now it is learnt that disciplinary action has been initiated and charge sheet has been filed in the criminal case.



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8. The criminal prosecution has been initiated after getting due sanction from the Government. In such case, there cannot be any difficulty in setting aside the suspension order in accordance with the guidelines already issued in this regard. In view of the change of the circumstances now has arisen, the impugned order is set aside and the 2nd respondent is directed to pass appropriate orders to reinstate the petitioner within a period of two weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petition is closed.

03.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJJ



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R.N.MANJULA, J.

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