



W.P.(MD).No.14857 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14857 of 2024

and

W.M.P(MD) No.13025 of 2024

C.Tamilpandian

... Petitioner

Vs.

The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in Roc.A1/11439/2022, dated 18.11.2022 of the respondent and quash the same as illegal and consequently direct the respondent reinstate the petitioner in his service as per his seniority along with other benefits.

For Petitioner : Mr.R.Balamuruganantham

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader



W.P.(MD).No.14857 of 2024

ORDER

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The instant Writ Petition has been filed by the Village Administrative Officer, challenging the order of suspension dated 18.11.2022.

2. A perusal of the suspension order reveals that the petitioner was arrested in Crime No.8 of 2022 under Section 7 (A) of Prevention of Corruption (Amendment) Act, 2018 and he was remanded on 17.11.2022 on the allegations of having demanded and accepted a bribe of Rs.3,000/- for mutation of revenue records.

3. The learned counsel appearing for the writ petitioner relying upon the judgment of the Hon'ble Division Bench of our High Court in W.A.No. 1657 of 2019, dated 31.07.2023, had contended that merely on the basis of the pendency of the criminal cases, suspension of government employee cannot be extended endlessly without any reason.

4. Per contra, the learned Additional Government Pleader appearing for the respondent herein had contended that the District Collector by his



W.P.(MD).No.14857 of 2024

proceedings dated 08.06.2023 has referred the issue to the Revenue Divisional Officer, Ramanathapuram, for taking necessary action for passing sanction of prosecution order as against the writ petitioner. He further contended that the Revenue Divisional Officer, Ramanathapuram has addressed a communication to the Deputy Superintendant of Police Vigilance and Anti Corruption, Ramanathapuram to furnish the FIR copy and documents for initiation of departmental proceedings as against the writ petitioner. In such circumstances, the reinstatement of the writ petitioner, even in a non sensitive post would not be conducive for administration.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. It is not in dispute that the petitioner was trapped for accepting bribe for mutation of revenue records and he was arrested. The question of revoking the suspension and to reinstate the petitioner in a non- sensitive post, as far as the Village Administrative Officer is concerned, is not possible.



W.P.(MD).No.14857 of 2024

WEB COPY

7. The time limit for mutation of departmental proceedings is not applicable to the cases which are arising out of Vigilance and Anti-Corruption. In such circumstances, this Court does not find that the order of suspension as illegal.

8. A perusal of the counter affidavit of the Revenue Divisional Officer, Ramanathapuram further reveals that they are taking steps for initiation of departmental proceedings for the alleged misconduct on the part of the writ petitioner. In view of the fact that the petitioner is under suspension for the past 2 years it does not warrant for interference by this Court. In these circumstances, this Court does not find any merits in this writ petition.

9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

05.11.2024
2/2

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W.P.(MD).No.14857 of 2024

To

The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram.



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W.P.(MD).No.14857 of 2024

R.VIJAYAKUMAR,J.

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W.P(MD)No.14857 of 2024

05.11.2024

2/2