



WP(MD) No.18104 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18104 of 2024

and

W.M.P(MD)Nos.15457 & 15458 of 2024

R.Kumaravel

... Petitioner

Vs.

The District Collector,

Karur,

Karur District.

... Respondent

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 relating to the impugned order of suspension passed by the respondent in his proceedings in RC.No. 6383/2021/PDI dated 26.11.2021 and quash the same as illegal and consequently to direct the respondent to reinstate the petitioner in service.



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For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has filed this writ petition challenging the order of suspension, dated 26.11.2021 and consequential direction to reinstate the petitioner into service.

4. The petitioner, who was working as a Block Development Officer has been placed under suspension on 26.11.2021



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and thereafter, he was given with a charge memo on 26.12.2022. A criminal case was also registered in Crime No.08 of 2021, dated 23.11.2021, on the file of Vigilance and Anti Corruption and the same is also pending.

5. The learned counsel for the petitioner submitted that there is no progress neither in the criminal case nor in the departmental proceedings, though the petitioner has been issued with a charge memo. In view of the long suspension, the petitioner is now given with 75% of subsistence allowance, without doing any work. So, it is prayed that the order of suspension be set aside and the petitioner be reinstated into service.

6. The learned Additional Government Pleader submitted that the petitioner has been given with the charges of corruption and criminal case has also been registered only in this regard. So reinstating the petitioner into service would affect the public interest and hence, the order of suspension should be allowed to continue.



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7. Despite the petitioner has been placed under suspension from the year 2021, the charge memo itself has been given after one year. The petitioner has alleged to have received bribe to the tune of of Rs.25,000/- for approving the unapproved plots of an individual. On the complaint made by the individual, the petitioner was kept under suspension and a criminal case has also been registered in this regard.

8. No doubt that the allegations of corruption should also be dealt with all seriousness and there cannot be any compromise. But at the same time, the petitioner has been kept under suspension for a very long time and even the charges have also been issued to the petitioner after one year from the date of placing him under suspension. So at the time when the petitioner was placed under suspension, the Department knew about the allegations against the petitioner, as it has been on a private complaint made by an individual. In such case, it is unnecessary to wait for one year to issue a charge memo for initiating disciplinary action.

9. The learned counsel for the petitioner drew the attention



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of this Court to the Government Order in G.O.(Ms)No.81, dated 04.08.2022, wherein, the Government has issued guidelines for the early disposal of the cases of enquiry into the cases of grave charges and fixed time limit for finalizing the disciplinary proceedings.

10. Even for completing the investigation of DVAC case, a time limit of one year has been prescribed. Even though the criminal case against the petitioner has been registered as early as on 23.11.2021, no progress has been made so far.

11. The learned Additional Government Pleader submitted that the FIR has been registered even before placing the petitioner under suspension, because it is a trap case.

12. Whatever may be the case, the fact remains that the proceedings have not been completed in compliance of the guidelines issued in G.O.(Ms)No.81, dated 04.08.2022 and the petitioner has been paid with 75% of the subsistence allowance, without doing any work.



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13. So, it is for the respondent to take a call and consider the reinstatement of the petitioner in any of the non-sensitive post. The petitioner is also at liberty to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent shall consider the same in the light of the above observation and pass orders on merits to reinstate the petitioner to any non-sensitive post within a period of four weeks thereafter.

14. With the above observation and direction, this writ petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To

The District Collector,
Karur,
Karur District.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.18104 of 2024

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