



W.P.(MD)No.17996 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.17996 of 2023

Balamurugan

... Petitioner

vs.

The Assistant Director of Survey and Land Records,  
Office of the District and Land Survey,  
Madurai District, Madurai.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.A4/3578/2022 (2) dated 07.10.2022 on the file of the respondent, quash the same and consequently direct the respondent to revoke the petitioner's suspension and to reinstate him in service.

For Petitioner : Mr.S.Poornachandran

For Respondent : Mr.J.Ashok  
Additional Government Pleader

### **ORDER**

Heard Mr.S.Poornachandran, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondent.



W.P.(MD)No.17996 of 2023

WEB COPY

2. The petitioner has filed this petition seeking to quash the impugned order of the respondent in Na.Ka.No. A4/3578/2022 (2) dated 07.10.2022 and consequently direct the respondent to revoke the his suspension and to reinstate him in service.

3. Mr.S.Poornachandran, learned counsel appearing for the petitioner submitted that the petitioner who has been working as a Sub Inspector of Survey in the respondent Office has been placed under suspension on 18.05.2022. It is his submission that even though the petitioner has been placed under suspension in view of the criminal case registered against him under the Prevention of Corruption Act, no progress has been shown so far.

4. On perusal of the records, it is seen that the case has been registered against the petitioner by the Vigilance and Anti Corruption Department under the Prevention of Corruption Act in Crime No.4 of 2022 on 17.05.2022 and it is a trap case.



W.P.(MD)No.17996 of 2023

WEB COPY

5. Reliance has been placed upon the Judgment in the case of ***Ajay Kumar Choudhary vs. Union of India reported in (2015) 7 SCC 291 [Ajay Kumar Choudhary's case]***, wherein, the Apex Court had laid down the dictum that the period of suspension shall not exceed three months, if memorandum of charges / charge sheet has not been served upon the person within the said period. It is further observed that even in the event of extending suspension, a revised order should be passed.

6. However, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondent submitted that charge sheet has been issued and the petitioner has been subjected to disciplinary proceedings.

7. It is pertinent to mention here the Full Bench Judgment of this Court in the case of ***P.Kannan vs. 1.The Commissioner of Municipal Administration and others in W.P.Nos.2165 of 2015 and 21628 of 2018***. The Full Bench in its order dated 15.03.2022 has held that ***Ajay Kumar Choudhary's case*** cannot have any application to the



W.P.(MD)No.17996 of 2023

WEB COPY

serious lapses like corruption allegations. So, it is stated that considering the gravity of the offences, the employee's suspension can be continued.

8. In the instant case, the petitioner was placed under suspension, charge sheet has been issued and the disciplinary proceedings are pending. Since the disciplinary proceedings can go parallelly even if a criminal case is pending, nothing will prevent the respondent from getting along with the disciplinary proceedings and completing the same. Since the petitioner is kept under suspension from the year 2022 and disciplinary proceedings are not completed so far, the respondent can only be directed to complete the disciplinary proceedings at the earliest. If the respondent does not make any palpable progress in the disciplinary proceedings, then, there is no point in paying subsistence allowance to the petitioner without extracting work from him. It is made clear that it is not necessary for the respondent to wait for the outcome of the criminal proceedings even if the same is pending at the stage of First Information Report.



W.P.(MD)No.17996 of 2023

WEB COPY

9. In view of the above observations, the writ petition is **disposed of** and the respondent is directed to complete the disciplinary proceedings against the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is at liberty to make a fresh representation to the respondent for revocation of suspension 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 is further directed to consider the same and pass appropriate orders within a period of four weeks thereon. No costs.

09.07.2024

NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order

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To

The Assistant Director of Survey and Land Records,  
Office of the District and Land Survey,  
Madurai District, Madurai.



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W.P.(MD)No.17996 of 2023

R.N.MANJULA, J.

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W.P.(MD)No.17996 of 2023

09.07.2024