



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 1453 of 2024

And

W.M.P.No. 1477 of 2024

B.Prakash

... Petitioner

..Vs..

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Tahsildhar
Taluk Office, Kancheepuram.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the order in Pro.Na.Ka.No. COLKPM/2951/2023/A3 dated 06.12.2023 passed by the first respondent to quash the same and to issue consequential directions to be first respondent to issue orders regularising the period of suspension of the petitioner from 01.08.2021 to 29.10.2021 (2 months and 29 days) as 'duty' for all purposes with full pay and allowances.

For Petitioner

:: Mr. G.Punniakoti



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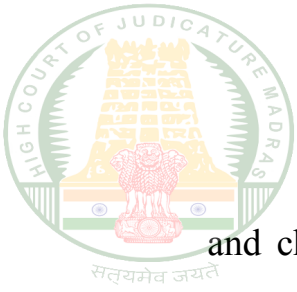
For Respondents

:: Ms. P.Vijaya Devi
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the order in Pro.Na.Ka.No. COLKPM/2951/2023/A3 dated 06.12.2023 passed by the first respondent / the District Collector, Kancheepuam, and to quash the same and to issue directions to be said respondent to issue orders regularising the period of suspension of the petitioner between 01.08.2021 and 29.10.2021 (2 months and 29 days) as 'duty' for all purposes with full pay and allowances.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the writ petitioner was working as Taluk Supply Officer, Kunnathur and was placed under suspension by the first respondent by an order dated 30.07.2021 on the ground that a news has been published in a newspaper that the petitioner had been demanding bribe amounts of Rs.1,000/- to Rs.5,000/- from the public for issuing new ration cards. It had been stated that subsequently, disciplinary proceedings had been initiated



and charge memo had also been issued. The petitioner participated in the enquiry proceedings. The Enquiry Officer returned a finding that the charges had not been established. Thereafter, the first respondent revoked the order of suspension by an order dated 29.10.2021. The petitioner was posted as Superintendent, Office of the Special District Revenue Officer (L & A) at Chennai in Airport Extension Scheme, Sriperumpathur at Alandur. It is stated that subsequently, though the disciplinary proceedings had been concluded and the petitioner was issued with a warning, the impugned order was then passed on 06.12.2023, nearly about a year later, treating the period of suspension as earned leave. Questioning that particular categorisation of the period of suspension, the present Writ Petition has been filed.

3. Heard the learned counsel for the respondent also.

4. It is contended on behalf of the respondents that not all the charges had been held as not established but one charge had been held as proved and that the petitioner had been warned and no further punishment had been imposed. However with respect to the period of suspension, a considered decision had been taken that it should be treated as earned leave.



5. I have carefully considered the records.

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6. It is seen that the petitioner had been placed under suspension for a period of two months and 29 days between 01.08.2021 and 29.10.2021. The order of suspension was issued on the basis of a newspaper report that the petitioner was in the habit of demanding bribe for issuing new ration cards and allied services. But however, the respondent should have independently exercised their discretion to determine whether that newspaper item contained correct information or not.

7. It is trite to point out that a report in newspaper can never be considered as a primary sources of evidence. The respondent would necessarily have to gather information before proceeding to initiate disciplinary proceedings against the petitioner or to pass orders of suspension. The petitioner was straight away placed under suspension on 01.08.2021 and he was under suspension till 29.10.2021. The enquiry Officer did not return any result in favour of the respondents. The petitioner was issued with an order of warning. I hold that the enquiry was conducted only because of the newspaper item and not because of any subjective



satisfaction recorded by the respondents. Naturally, the period of suspension of the petitioner should be considered as that of 'duty' since the enquiry officer had also dropped the proceedings.

8. The impugned order is set aside and a direction is given to the first respondent to regularise the period of suspension from 01.08.2021 till 29.10.2021 of the petitioner as that of 'duty' to be calculated for all purposes including monetary benefits and also eligibility of service.

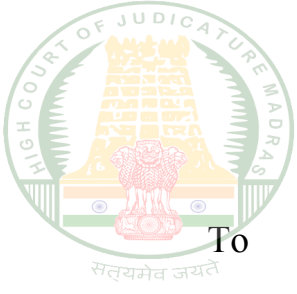
9. The Writ Petition stands disposed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

24.02.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

C.V.KARTHIKEYAN, J.,

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To

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