



W.P.No.11515 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.11515 of 2025

M.Balamurugan

... Petitioner

-Versus-

1.The State,

Rep. by the District Collector,
Mayiladuthurai District.

2.The Inspector of Police,

Vigilance & Anti-Corruption,
Nagapattinam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondent, District Collector of Mayiladuthurai to take a decision by taking up review of suspension and post me in a non-sensitive place in consultation with the investigating authority, the second respondent herein to avoid the payment of subsistence allowance for a long period without extracting any work from the delinquent Government servant.

For Petitioner : *Mr.A.Thiyagarajan*

For Respondents : *Mr.M.Shahjahan,*
Special Government Pleader



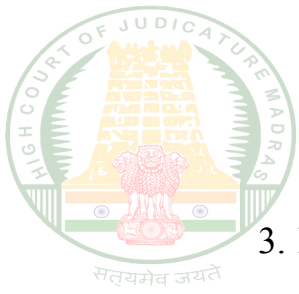
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ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction against the first respondent/the District Collector, Mayiladuthurai to take a decision to review the suspension of the petitioner and post the petitioner in any non-sensitive post. The petitioner claimed that the first respondent must consult the investigating authority namely the second respondent and must avoid payment of subsistence allowance for a long period without extracting the work.

2. The petitioner is prepared to work in any non sensitive place and therefore, he could be paid salary and the money need not be wasted by payment of subsistence allowance without extracting the work. Unfortunately for the petitioner, the petitioner has invited this circumstance by his own conduct. It is alleged that he had demanded bribe amount from a disabled person for issuance of certificate of disability, when the petitioner was working as Tahsildar in Mayiladuthurai. A trap was laid and the trap was successful and the petitioner had caught red-handed and the amount which was demanded and accepted was also recovered.



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3. FIR in Crime No.9 of 2021 had been registered against the petitioner herein for the offences under Section 7 of the Prevention of Corruption Act 1988 as amended in the year 2011. This FIR was registered on 07.09.2021. The trial has commenced and it is informed that the matter is now posted before the Special Court/Chief Judicial Court at Mayiladuthurai on 17.04.2025 in special C.C.No.1 of 2022. The respondents had also initiated disciplinary proceedings.

4. Earlier the petitioner had filed a Writ Petition and thereafter a Writ Appeal and obtained an order. Complaining the order therein namely to complete the departmental disciplinary proceeding within a period of 12 weeks after providing opportunity to the petitioner had not been complied with by the respondents, the petitioner had filed Contempt Petition No.2773 of 2024. It is came up for consideration before the Division Bench on 24.01.2025 and the entire order passed by the Division Bench is extracted below for better appreciation.

“ It is the complaint of the petitioner that the order dated 17.10.2023 has not been complied with in its letter and spirit. The operative portion of the order reads as follows:

“6.In view of the present position as stated above, we direct the authority concerned to



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complete the enquiry with regard to the charges framed against the appellant and file his report, on merits and in accordance with law, after affording an opportunity of personal hearing to the appellant, within a period of 12 weeks from the date of receipt of a copy of this judgment. If the enquiry report is not filed within the time stipulated, the first respondent shall consider the claim of the appellant for revocation of suspension and reinstatement into service, and pass orders, one way or other, in the light of G.O.(Ms.)No.81, HRM(N) Department, dated 04.08.2022, as expeditiously as possible.”

2. Mr.P.Suresh, District Adi Dravidar and Schedule Tribe Welfare Officer, Myladuthurai, has written to the District Collector, Myladuthurai stating that the petitioner has not been cooperating in conduct of the enquiry and though he was permitted to engage a lawyer to cross-examine the witnesses and was reminded of it on 24.06.2024, he has not chosen to engage a lawyer and proceed with the enquiry. Therefore, the delay is attributable to the petitioner alone.

3. In view of the same, the Contempt Petition is closed. However, the enquiry has to be completed within a reasonable time. We therefore direct the Enquiry Officer to fix the date for enquiry and intimate the same to the



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petitioner to enable him to appear and cross examine the witnesses. The enquiry proceeding shall be completed within a period of three months from today.”

5. Thus, it is seen that the petitioner was the sole reason for the departmental proceedings being protracted. However, an order was passed by the Division Bench on 24.01.2025 with a direction that the departmental proceedings should be completed within a period of three months from that particular date. This particular time period was end on 24.04.2025.

6. It is informed that eight witnesses have been examined and it is represented that every endeavour would be taken by the respondents to keep up the time limit specified by the Division Bench. But however, it would also depend on the petitioner cross-examining the witnesses on the very same day. He cannot, on the one hand, seek completion of the disciplinary proceedings and on the other hand, avoid even appearing before the enquiry officer. He has to appear and participate in the departmental proceedings.

7. I am not inclined to revoke the order of suspension and the respondents still have time till 24.04.2025 to complete the disciplinary proceedings. Review at this stage would be impermissible. The Writ Petition stands dismissed. No costs.



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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

C.V.KARTHIKEYAN, J.

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To

1.The District Collector,
Mayiladuthurai District.

2.The Inspector of Police,
Vigilance & Anti-Corruption,
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