



WEB COPY

WA NO. 2325 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

WA NO. 2325 of 2019

N. Ragunathan
S/o Narayanan

Appellant

Vs

The District Collector
Kacheepuram District

Respondent

Prayer : Writ Appeal is filed under Clause 15 of the letters patent to set aside the order passed by this Court in W.P.No.2053 of 2019, dated 26.02.2019

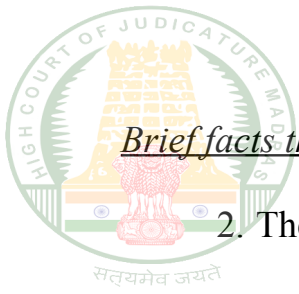
For Appellant: Mr.K.Venkataramani, Senior Counsel
For Mr.M. Muthappan

For Respondent: Mr.E.Vijay Anand, AGP

JUDGMENT

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

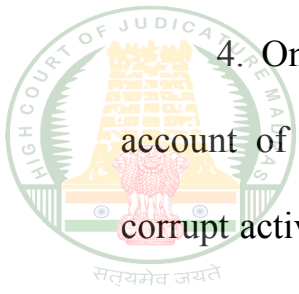
This appeal is directed against the order of the learned Single Judge passed in W.P.No. 2053 of 2019, dated 26.02.2019.



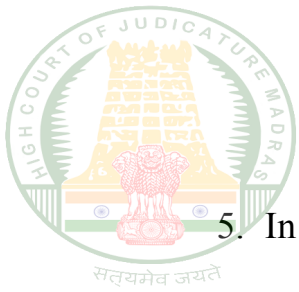
Brief facts that are necessary for disposal of this writ appeal are as follows:

2. The appellant/writ petitioner was holding the post of Deputy Tahsildar and was placed under suspension on the eve of his superannuation on the ground that a criminal case had been registered against him in Crime No. 25/AC/2007/KM under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988. The allegations against the appellant are serious, and hence, he was placed under suspension in contemplation of disciplinary proceedings. The appellant has challenged the order of suspension as well as the order sanctioning criminal prosecution on various grounds. It is the grievance of the appellant that, due to the pendency of criminal and disciplinary proceedings, he is unable to receive terminal and pensionary benefits. Although the learned Single Judge observed that the departmental disciplinary proceedings were unnecessarily delayed and that the pendency of the criminal case was not a bar to the continuation of disciplinary proceedings, the writ petition was dismissed on merits. Learned Single Judge observed that withdrawing the earlier sanction order and issuing a fresh sanction by way of correction cannot be a ground to quash the entire proceedings. However, the learned Single Judge directed the respondents to take effective steps to dispose of both departmental proceedings and criminal case as expeditiously as possible.

Challenging the said order of the learned Single Judge, the appellant/writ petitioner has filed the present writ appeal.



4. On the admitted facts, it is seen that the order of the suspension is on account of disciplinary proceedings as well as criminal case relating to certain corrupt activities and accumulation of wealth disproportionate to the known sources of appellant's income. It is admitted before this Court that the appellant already attained the age of superannuation immediately after being placed under suspension. Therefore, interference with the suspension order in the writ petition or in this writ appeal does not arise. However, the appellant also seeks further relief to quash the sanction order on technical grounds. It is seen that the criminal case is pending for a long time, probably on account of huge list of witnesses shown. It is stated before this Court that out of 104 witnesses, 70 witnesses have been examined. It is also contended that for about eight months, no witnesses have been examined and the matter is kept pending. The respondents cannot be held responsible for the delay in the criminal case. The appellant is, however, at liberty to seek appropriate remedy for the early disposal of the case.



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5. In the order of suspension dated 28.07.2008, prosecution sanctioned on the same date vide proceedings in RC A3/4079/2008 dated 28.07.2008 is referred to. However, the same was cancelled vide impugned sanctioned order dated 06.08.2010 wherein, reasons are stated elaborately for according sanction. This Court finds no infirmity. However, the allegation of malafide are made against investigation officer. This Cannot be challenged in the proceedings unless there is lack of jurisdiction.

6. This Court finds no merits in the writ appeal. Accordingly, the writ appeal stands dismissed. No costs. It is open to the appellant to raise all his grounds/objections concerning the sanction order before the Criminal Court.

(S.S.SUNDAR J.) (C.SARAVANAN J.)
27-02-2025

Index : Yes
Internet : Yes
Neutral Citation : Yes
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To
The District Collector, Kacheepuram District.

S. S. SUNDAR, J.
and
C. SARAVANAN, J.



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