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R.Devadoss. Vs. the District Collector, and ors.

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Court : Chennai

Decided On : Jul-11-2012

Judge : R.Sudhakar, J.

Acts : Prevention of Corruption Act, 1988 - Sections 7, 13(2), 13(1)(d); Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1988 - Section 17(e)(1)(2), 3(e)(5); Constitution of India - Articles 226

Appeal No. : Writ Petition No.29991 of 2010 and M.P.No.1 of 2010

Appellant : R.Devadoss

Respondent : The District Collector, and ors.

Advocate for Def. : Ms.V.M.Velumani, Adv.

Advocate for Pet/Ap. : Mr.R.Kannan, Adv.

Judgement :

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records of the proceedings of the first respondent in R.C.No.24421/2010-1/A4 dated 23.12.2010 and quash the same and consequently reinstate the petitioner in the same post with all consequential benefits.

ORDER

1. This Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus, to call for the entire records of the proceedings of the first respondent in R.C.No.24421/2010-1/A4 dated 23.12.2010 and quash the same and consequently reinstate the petitioner in the same post with all consequential benefits.

2. Mr.R.Kannan, learned counsel for the petitioner appears in robes despite advocates boycott of the Court.

3. Heard Mr.R.Kannan, learned counsel appearing for the petitioner and Ms.V.M.Velumani, learned Special Government Pleader appearing for the respondents.

4. The Writ Petition has been filed challenging the order of suspension passed by the second respondent consequent to the arrest of the petitioner in a case in Crime No.18/2010 under Sections 7, 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988 and the arrest was made on 9.12.2010 and was released on the same day on medical grounds. Thereafter, invoking Rule 17(e)(1)(ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the suspension order has been passed on 23.12.2010/24.12.2012 and served on the petitioner on 27.12.2010. Though the writ petition has been admitted and the interim stay of suspension was granted on 29.12.2010, since the petitioner was relieved from duties on 27.12.2010 itself, the respondents filed a petition along with counter-affidavit and sought for vacating the interim stay.

5. At this point of time, learned counsel for the petitioner relying upon the Division Bench Judgment of this Court in The Deputy Inspector General of Police, Coimbatore Range, Coimbatore vs. - S.Govindaraj reported in 2012(1) CTC 124, pleaded before this Court that due to lapse of long period of time from the date of suspension, the case should be considered for revocation of suspension in terms of the service rules as applicable.

6. Section 3(e)(5) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1988 provides for revocation of suspension and it reads as follows:-

An order of suspension made or deemed to have been made under this rule may, at any time, be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

7. Petitioner claims that he has made a representation to the second respondent on 6.3.2011. However, proof of submitting the same has not been filed before this court.

8. In view of the above, as pointed out by the learned Special Government Pleader, petitioner is given liberty to make further representation along with a copy of this order to the second respondent for revocation of the suspension in terms of the above said rule as may be applicable and the authority shall consider the same expeditiously, preferably, within a period of four weeks from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of as above. No costs. Consequently, connected miscellaneous petitions are closed.

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