

(2006) 11 MAD CK 0058

In the Madras High Court

Case No : Writ Petition No. 33544 of 2006

R. Gopalakrishnan

APPELLANT

Vs

The Revenue Divisional Officer

RESPONDENT

Date of Decision : 03-11-2006

Acts Referred:

Constitution of India, 1950 — Article 309

Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, 1953 — Rule 17

Citation : (2006) 11 MAD CK 0058

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : L. Chandrakumar, for the Appellant; P. Gopiraja, GA, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—In this writ petition, the petitioner is seeking to call for the records relating to the respondent's orders made in Ref.No.A1/3834/2004 dated 07.7.2004; A1/3834/2004 dated 28.02.2005 and Na.Ka.No.A1/3834/2004 dated 18.5.2006 and Review orders dated 28.02.2005 and 18.5.2006 and to quash the same.

2. I have heard the arguments of Mr. L Chandrakumar, learned Counsel appearing for the petitioner and Mr. Gopiraja, learned Government Advocate taking notice for the respondent and perused the records.

3. The petitioner was working as a Village Administrative Officer in Melur Village, Thittakudi Taluk. He was suspended in public interest under Rule 17(e) of the Tamil Nadu Civil Services (Control and Appeal) Rules with effect from 06.7.2004. The said suspension order was passed by the respondent by order dated 07.7.2004 on the basis of the report received from the Deputy Superintendent of Police, Vigilance and Anti-Corruption. The petitioner challenged the said order by way of writ petition being W.P. No. 35559 of 2004. This Court, while refusing to entertain the writ petition, directed the

petitioner to send a representation to the respondent and the respondent was directed to consider the same. On the basis of the direction given by this Court, the respondent by an order dated 28.02.2005 refused to review the order stating that the charge against the petitioner was that he had received illegal gratification from a person, who came to receive a Legal Heir Certificate and he was caught in the trap case. It was also stated that charge sheet was not filed before the Special Court and, therefore, he cannot be permitted to rejoin the duty. The petitioner once again filed another writ petition being W.P. No. 40019 of 2005 stating that since charge sheet has been filed before the Criminal Court as early as 06.7.2005, the order of suspension can be reviewed. This Court, by an order dated 15.12.2005, directed the respondent to review the order of suspension. Once again, the respondent, by order dated 18.5.2006 rejected the request of the petitioner stating that the charges levelled against the petitioner are serious and, therefore, question of allowing the petitioner to rejoin duty does not arise. The said order is under challenge in this writ petition.

4. It is shocking to note that the petitioner has already filed two writ petitions and this is the third writ petition in the said series challenging the order of suspension pending enquiry. It is not as if the charge levelled against him are trivial and innocuous, which does not warrant suspension. Here is a case, where the petitioner was caught in a trap case and facing criminal prosecution. The Rules framed under Article 309 of the Constitution of India contemplate suspension pending enquiry. In those circumstances, the respondent has passed a proper order taking into account all the relevant circumstances of the case. There are no grounds to interfere with the order passed by the respondent in the present writ petition, which is the third one in the series. There are also no grounds for reviewing the order nor there is any change of circumstance brought forth for reconsidering the earlier decision.

5. In the light of the above, the writ petition fails and the same shall stand dismissed with a cost of Rs. 1000/- (Rupees one thousand only) to be paid to the Tamil Nadu Legal Aid Services Authority within a period of four weeks from the date of receipt of a copy of this order. In view of the same, M.P. Nos. 1 and 2 of 2006 stand dismissed.