

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.11.2005

Coram:

The Hon'ble Mr. Justice P.SATHASIVAM  
and

The Hon'ble Mr. Justice S.K.KRISHNAN

W.P.No.10779 of 2003, 32430 and 37796 of 2004  
and WPMP.No.45341 of 2004

1. The Government of Tamil Nadu rep.  
by its Secretary  
Agriculture Department,  
Fort St.George, Chennai 600 009.
2. The Chief Engineer (Agrl. Engg.)  
487, Anna Salai, Nandanam,  
Chennai 600 035.
3. The District Collector  
Erode District,  
Erode. .. Petitioners in WP.10779/03
- The District Registrar  
Namakkal. .. Petitioner in WP.32430/04
- The Secretary to Government  
Commercial Taxes Department,  
Fort St. George,  
Chennai 600 009. .. Petitioner in WP.37796/04
- vs.
- K.S.Ravichandran .. R.1 in W.P.No.10779/03
- S.Jayakumar .. R.1 in W.P.No.32430/04
- M.Nagarajan .. R.1 in W.P.No.37796/04
2. The Registrar  
Tamil Nadu Administrative Tribunal,  
Chennai 600 104. .. R.2 in all the above Wps.

PRAYER : Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari calling for the records pertaining to the orders dated 13.12.2002, 19.05.2004 and 04.02.2004 made in O.A.No.6393/2002, 2164/2004 and 312/2004 respectively on the file of the Tamil Nadu Administrative Tribunal, Chennai, the second respondent herein and to quash the same.

For Petitioners : Mr.E.Sampath Kumar,  
Govt. Advocate

For Respondents : Mr.Ravi for R.1.

C O M M O N O R D E R

(ORDER OF THE COURT WAS MADE BY P.SATHASIVAM, J.)

Aggrieved by the identical orders of the Tamil Nadu Administrative Tribunal, Chennai, directing the Department to reinstate the applicant therein without prejudice to the Department for continuing the criminal proceedings, respective Department and their Officers filed the above writ petitions.

2. Heard the learned Government Advocate and the learned counsel for the contesting first respondent.

3. In the light of the order to be passed here under, there is no need to refer to the factual matrix as stated by the petitioners and the contesting first respondent. It is seen from the impugned orders that the Tribunal, after finding that though charge sheets have been laid and cases have been taken on file by the respective Court, in the absence of effective trial and also taking note of the fact that the applicants were under suspension from 1999, directed the Department to reinstate them without further delay.

4. The learned Government Advocate informed this Court that in W.P.No.10779/2003 and 32430/2004, the criminal proceedings initiated against the delinquent / first respondent herein are under progress and material witnesses have already been examined as well as the trial is likely to be over. By referring those details, he pleaded further time of six months for completion of the criminal trial and he also contended that taking note of the allegations made against the delinquent officers and the charges relates to corruption, the Tribunal is not justified in revoking the order of suspension and issuing direction for reinstatement. In so far as W.P.No.37796/04, the learned Government Advocate has brought to our notice the

decision of the Government in G.O.(D)No.211 Commercial Taxes (E1) Department dated 15.06.2005, wherein, the Government while reviewing the suspension, have decided to continue the same in the public interest until the criminal case pending against him before the Chief Judicial Magistrate, Trichirapalli, is finally disposed of.

5. In all these cases, learned counsel appearing for the contesting first respondent filed an affidavit/additional typeset of papers informing this Court that except examining few witnesses, the trial in the criminal cases has not reached its finality and according to him, it is likely to be prolonged. The learned counsel also submitted that in the case of M.Nagarajan, first respondent in W.P.No.37796/04, his co-accused namely G.Selvaraju, was reinstated pursuant to the orders of the Government. By stating his case, learned counsel contended that the Tribunal is fully justified in issuing direction in the case of M.Nagarajan.

6. We have carefully considered the relevant materials and rival contentions of the learned Government Advocate as well as the contesting first respondent.

7. It cannot be said that the Department has not taken any steps. On the other hand, the learned Government Advocate informed this Court that atleast in two cases, namely, in the case of K.S.Ravichandran and S.Jayakumar, the criminal trial is in progress and likely to reach its conclusion shortly. It is also seen from the material furnished by the learned Government Advocate that even in the case of M.Nagarajan, in view of the order of the Government extending the suspension, there is every possibility in completion of the criminal proceedings lodged against him. All these statements cannot be ignored lightly, particularly, the charges leveled against the delinquents are serious in nature. In the light of the progress in the criminal cases, we dispose of all the three writ petitions by passing the following order.

8. The Department is granted three months time from today for completion of the criminal proceedings. It is made clear that for any reason, the criminal case pending against the first respondent in each case could not be completed within the time, the Department is directed to implement the order of the Tribunal passed in their favour immediately. It is further made clear that since this Court has fixed an outer limit, the first respondent herein in all the above writ petitions should not take advantage of the same and delay the criminal proceedings.

With the above observations / directions, the writ petitions are disposed of. No costs. Consequently connected WPMP., is closed.

Sd/  
Asst.Registrar

/true copy/

Sub Asst.Registrar

tsvn

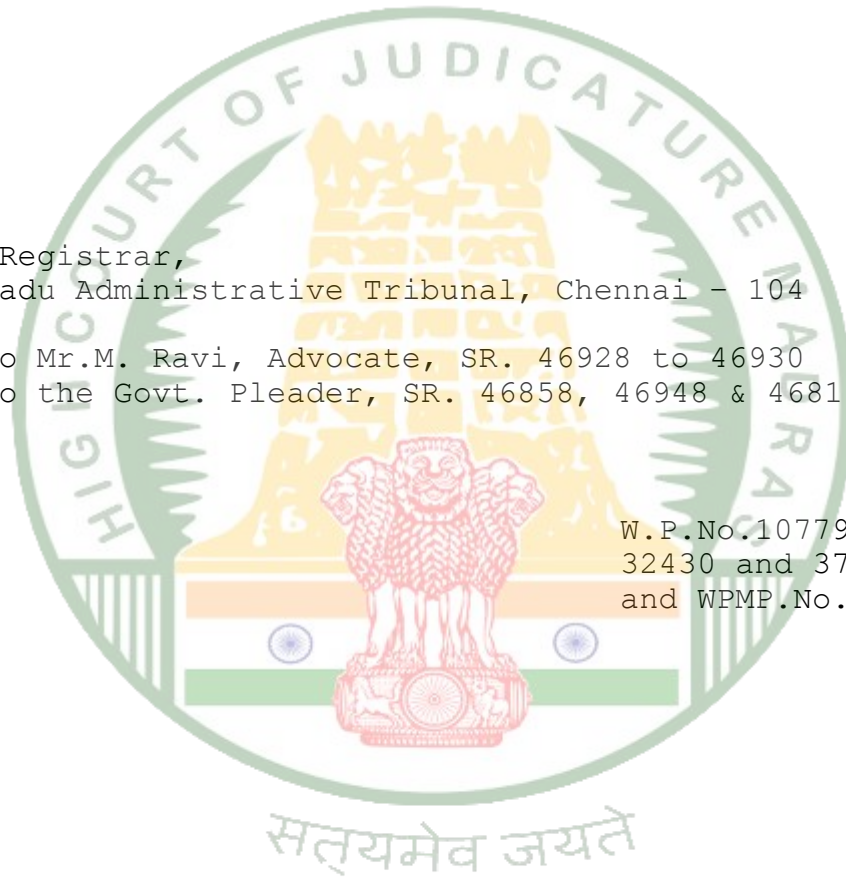
To

1. The Registrar,  
Tamil Nadu Administrative Tribunal, Chennai - 104

3 ccs to Mr.M. Ravi, Advocate, SR. 46928 to 46930  
3 ccs to the Govt. Pleader, SR. 46858, 46948 & 46810

W.P.No.10779 of 2003,  
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and WPMP.No.45341 of 2004

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