

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 16.2.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.31045 of 2014

M.P.Ashok

... Petitioner

versus

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram

... Respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the proceedings of the respondent in University Order No.970/2014(c) dated 19.11.2014 and quash the same.

For petitioner

Mr.Mr.K.M.Vijayan, Senior Counsel
for K.M.Vijayan Associates

For respondent

Mr.R.Suresh Kumar

ORDER

This Writ Petition is directed against the order dated 19 November 2014 whereby and whereunder, the respondent was pleased to reject the application submitted by the petitioner for revoking his suspension.

2. The petitioner was appointed as Assistant Professor in Annamalai University. He joined duty in 1999. While so, wife of his colleague filed a criminal case against him before the Judicial Magistrate No.2, Chidambaram, in S.T.C.No.1222 of 2011 under Section 138 of the Negotiable Instruments Act. Since the petitioner failed to appear before the Trial Court, warrant was issued to him. The petitioner was arrested on 11 September 2014 and released on bail on 12 September 2014.

3. The respondent having found that the petitioner was involved in a criminal case and he was arrested by police, placed him under suspension by order dated 19 September 2014. The petitioner filed a Writ Petition in W.P.No.26163 of 2014 challenging his suspension order. The Writ Petition was disposed of by order dated 13 October 2014, with a direction to consider the representation of the

petitioner to review the order of suspension, on merits. Thereafter, the first respondent considered the representation and rejected the prayer on account of the pendency of criminal proceedings. Feeling aggrieved by the said order, the petitioner is before this Court.

4. Heard the learned Senior Counsel for the petitioner and the learned Standing Counsel for the respondent.

5. There is no dispute that the petitioner is an accused in S.T.C.No.1222 of 2011 on the file of Judicial Magistrate No.2, Chidambaram. The complaint in question was preferred by none other than the wife of a colleague of the petitioner, alleging that the cheque issued by him in discharge of a debt was dishonoured. It is the contention of the learned Senior Counsel for the petitioner that the husband of the complainant who is working as a Assistant Professor is involved in money lending business and the complaint alleged against the petitioner has nothing to do with his service as Assistant Professor in Annamalai University.

6. The criminal case in question was at the instance of the wife of a colleague of the petitioner. As rightly contended by the learned Senior counsel for the petitioner, it has nothing to do with the functioning of the petitioner as a member of the faculty. It is true that newspapers have written about the involvement of the petitioner in a criminal case and that was the reason for initiating action against him. There is no point in keeping the petitioner under suspension till the disposal of a private complaint preferred by the wife of another employee. The University would be justified in case disciplinary proceedings are proposed to be initiated and he was suspended from service, pending initiation of such proceedings. The University has not taken disciplinary action against the petitioner so far. This would make the position very clear that it was only on account of the pendency of the criminal case under Section 138 of the Negotiable Instruments Act and the remand, he was placed under suspension. This fact was not considered by the University while taking a decision to reject the representation for review of suspension. I am therefore of the view that the matter requires fresh consideration by the University.

7. In the result, the impugned order is set aside and the matter is remitted to the respondent for fresh consideration. The respondent is directed to review the matter once again, taking into account the fact that the involvement of the petitioner in a criminal case has nothing to do with the service of the petitioner as Assistant Professor in the University. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed as indicated above. No costs.
Consequently, M.P.No.1 of 2014 is also closed.

Sd/-
Assistant Registrar
Dated:3.3.15

True Copy

Sub Assistant Registrar

To

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram.

+1 cc to Mr.K.M.Vijayan Associates,SR.8184

+1 cc to Mr.R.Suresh kumar, Advocate,SR.8137.

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