

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2015

CORAM

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.21470 of 2015

and

M.P.No.1 of 2015

P.Tamilselvan

...Petitioner

Vs.

1. The State of Tamil Nadu rep. by the
Secretary, Education Department,
Fort St. George, Chennai.

2. The Joint Director of School
Education (Vocational),
Chennai - 6.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order R.C.No.80095/VI/S1/2015 dated 08.07.2015 issued by the second respondent, quash the same and direct the respondents to reinstate the petitioner back in the rolls of the State Government.

For Petitioner : Ms.R.Revathi
for M/s.Black N Red Law Associates

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

ORDER

The petitioner is a Vocational Teacher in the Government Higher Secondary School, Keelvellore, Nagapattinam District. He is placed under suspension by an order dated 08.07.2015 under Rule 17 (e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. This

writ petition is against the aforesaid order.

2.The learned counsel for the petitioner has strenuously contended that before issuing the suspension order, the petitioner was not heard. The learned counsel has further submitted that no charge sheet was issued and hence the suspension order is liable to be quashed.

3.I have heard the submissions made by the learned counsel for the petitioner.

4.Before issuing the suspension order, the employee cannot ask for an opportunity to explain as to whether he should be placed under suspension. The authority can very well invoke power under Rule 17 (e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules for placing an employee under suspension. In this case, the authority has held that since enquiry into grave charges is contemplated, the petitioner is placed under suspension. It is sufficient for placing an employee under suspension.

5.As far as the issuance of charge memo is concerned, the petitioner cannot complain within a week of the issuance of suspension order that charge memo is not issued. The suspension is also not a prolonged suspension. The petitioner was placed under suspension only on 08.07.2015 and he has rushed to this Court immediately. Hence the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai.

WEB COPY

2. The Joint Director of School
Education (Vocational),
Chennai - 6.

1 CC to the Government Pleader, SR.No. 36417

W.P.No.21470 of 2015

KG (CO)
PSI (31.07.2015)



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