

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27340 of 2015

and

M.P.No.1 of 2015

V.Sundaram

.. Petitioner

vs

1.The Director of Town Panchayat
Kuralagam
Chennai 600 108

2.The District Collector
Kancheepuram District
Kancheepuram

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the impugned order of the first respondent issued in Roc.No.7847/2015/C1 dated 17.8.2015, and quashing the same.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he has served as the Executive Officer (Selection Grade) at Thirukazhukundram Town Panchayat on 5.3.2014, and has attained the age of superannuation on 31.5.2016, and would further state that he has applied for medical leave from 24.7.2015 to 22.8.2015, by enclosing the medical certificate obtained from the Assistant Surgeon attached to the Government Head Quarters Hospital at Kancheepuram, and it was also submitted to the second respondent on 22.7.2015 itself, and the receipt of the same was also acknowledged and since the petitioner went on medical leave, the second respondent has issued an order on 23.7.2015, appointing the Executive Officer of Thiruporur to hold the post of the Executive Officer of Thirukazhukundram as full additional charge, and the said official has also assumed charge on 27.7.2015.

3.It is further stated by the petitioner that to his shock and surprise, he was issued with an order of transfer on 14.8.2015, transferring him to Walajabath Town Panchayat, and adding to the

same, he has been issued with an order of suspension dated 17.8.2015, alleging that grave charges are pending enquiry against him.

4.The learned Counsel appearing for the petitioner, would submit that admittedly, the petitioner was on medical leave and subsequently, he was also issued with the order of transfer and therefore, the impugned order of suspension is bristled with malafides and came to be passed wholly on untenable reasons and prays for interference.

5.Per contra, Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, would submit that the impugned order of suspension is perfectly sustainable for the reason that on public interest, the petitioner has been placed under suspension pending enquiry into the grave charges and the competency and the jurisdiction of the Officer, who has passed the order of suspension, is also not questioned by the petitioner, and prays for dismissal of this writ petition.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, permits him to submit a representation to the first respondent praying for reviewing/revoking the order of suspension, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider it in accordance with law and pass orders thereon within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

1.The Director of Town Panchayat
Kuralagam
Chennai 600 108

2.The District Collector
Kancheepuram District
Kancheepuram

+1 cc to Mr.T.Ranganathan, Advocate, sr.46641

+1 cc to Govt.Pleader, sr.47271

W.P.No.27340 of 2015