

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.3745 OF 2015

AND

M.P.NO.1 OF 2015

C.Dhanavel

...Petitioner

Versus

1. The Director
Department of Adi Dravidar Welfare
Chepauk, Chennai - 600 005.
2. The Deputy Director (Education),
Department of Adi Dravidar Welfare
Chepauk, Chennai - 600 005.
3. The District Adi Dravidar and
Tribal Welfare Officer
Villupuram District,
Collectorate, Villupuram.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned orders issued by the third respondent in Na.Ka.(M1)/7079/2014, dated 29.04.2014 and to quash the same and consequently direct the respondents to reinstate the petitioner into service with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a Watchman in the Government Adi Dravidar Welfare Boys Hostel, Kallakurichi, Villupuram District. He was placed under suspension by invoking Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, by the third respondent, by an order dated 29.04.2014.

3.The only allegation against the petitioner as found in the suspension order is that he has used Cot, Bed, Fan and Television in a room of the Hostel and he has called the said room as Watchman room. Now about one year has lapsed, no charge sheet is laid.

4.In these circumstances, I am of the view that no useful purpose would be served in keeping the petitioner under suspension. However, it does not preclude the respondents from proceeding with the departmental action, if they so desire, by issuing charge sheet, conducting enquiry and imposing punishment, based on the result of the enquiry.

5.In view of the judgment of the Apex Court in AJAY KUMAR CHOUDHARY VS. UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER [Civil Appeal No.1912 of 2015 dated 16.02.2015] holding that if charge sheet is not issued within a period of three months from the date of placing the delinquent under suspension, the Department shall restore the concerned employee in service by revoking the suspension and the Department shall proceed with the departmental enquiry, if they so desire. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

VRC/TK

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To

1. The Director
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2. The Deputy Director (Education)
Department of Adi Dravidar Welfare
Chepauk, Chennai - 600 005.
3. The District Adi Dravidar and
Tribal Welfare Officer
Villupuram District,
Collectorate, Villupuram.

1 CC to Mr.G.Sankaran, Advocate SR.No. 20030

1 CC to the Government Pleader, SR.No. 20187

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SR (CO)
PSI (19.05.2015)



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