

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.7976 of 2015 and
M.P.Nos.1 and 2 of 2015

C.Masilamani

.. PETITIONER

Vs

1. The Special Secretary,
Social Welfare and Nutritious
Meal Programme, Secretariat,
Chennai-600 009.

2. The District Collector,
Collectorate Office,
Villupuram,
Villupuram District.

3. The Commissioner,
Gingee Panchayat,
Gingee, Villupuram District.

.. RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India for the issue of Writ of Certiorari, calling for the entire relating records from the 2nd respondent Collector of Villupuram and quash impugned order in Reference No.Na.Ka.N.BE4/5797/2014 dated 13.03.2015.

For petitioner : Mr.K.Jayaraman
For respondents : Mr.V.Jayaprakash Narayanan,
1 and 2 Special Government Pleader
For 3rd respondent : Mr.S.V.Duraisolamalai

O R D E R

The petitioner is a Noon Meal Organiser. The 2nd respondent, namely, the District Collector, Villupuram, passed an impugned order dated 13.03.2015 preventing the petitioner from discharging his duties. The petitioner has filed this Writ Petition to quash the aforesaid order.

2. This Court while ordering notice of motion on 20.03.2015, also granted stay of the operation of the order. Now, the 3rd respondent has filed a counter affidavit.

3. Heard both sides.

4. The learned Counsel for the petitioner has vehemently contended that the impugned order prevents the petitioner from discharging his duties for which the 2nd respondent has no power. The following sentence in the impugned order is seriously objected to by the petitioner which is as follows:

“13/03/2015 பிற்பகல் முதல் பணி செய்ய தடை செய்து இதன் வாயிலாக உத்தரவிடப்படுகிறது.”

5. On the other hand, the learned Special Government Pleader appearing for the respondents 1 and 2 has submitted that the impugned order is nothing, but a suspension order. By passing the impugned order, the petitioner was prevented from discharging his duties. The impugned order could be treated as a suspension order. Thereafter a charge memo was issued and enquiry is pending.

6. In reply, the learned Counsel for the petitioner has submitted that though this Court granted interim stay on 20.03.2015 and though the petitioner issued contempt notice, the respondents have not chosen to comply with the order and they failed to restore the petitioner in service pending disposal of the Writ Petition until the stay is vacated.

7. I find some force in the argument of the learned Counsel for the petitioner.

8. Until the stay is vacated, the respondents are supposed to comply with the order. In these circumstances, I am of the view that the Writ Petition could be disposed of by directing the respondents to pay salary from the date of the impugned order till date and the respondents are directed to pay Subsistence Allowance hereafter until the enquiry is over and final order is passed. The 2nd respondent is also directed to complete the enquiry and pass final orders within four months from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petitions are also closed.

tsi

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Special Secretary,
Social Welfare and Nutritious
Meal Programme, Secretariat,
Chennai-600 009.

2. The District Collector,
Collectorate Office,
Villupuram,
Villupuram District.

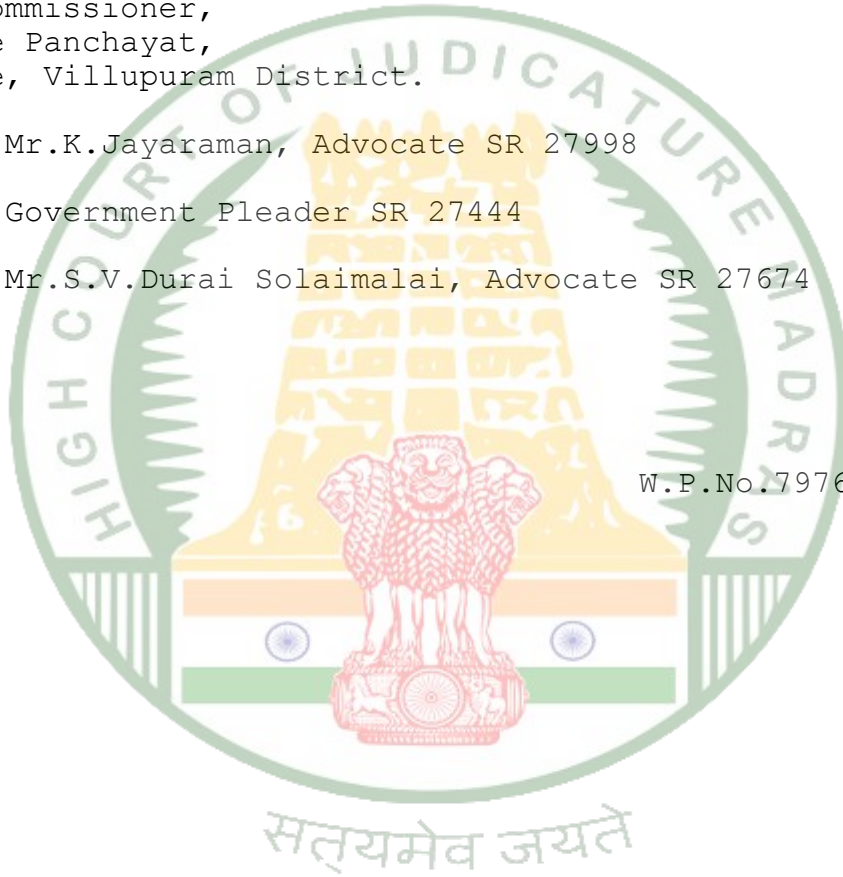
3. The Commissioner,
Gingee Panchayat,
Gingee, Villupuram District.

+ 1 cc to Mr.K.Jayaraman, Advocate SR 27998

+ 1 cc to Government Pleader SR 27444

+ 1 cc to Mr.S.V.Durai Solaimalai, Advocate SR 27674

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