



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.227 of 2015

The Principal
Government Kavayitri College,
Kumbakonam
Thanjavur District.

.. Appellant/Respondent

Vs.

S.Sukumaran

... Respondents/Petitioner

Writ Appeal filed under Section 15 of Letters Patent Act against the order dated 12.02.2014 passed in WP(MD)No.2766 of 2011 by this Court.

Prayer in WP(MD). 2766/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI MANDAMUS, calling for the records relating to the impugned order of the Respondent Ref.Se.Mu.Pro.No.292/A2/2007 dated 24-04-2007 and the consequential order of punishment of the Respondent in Ref.Se.Mu.Pro.No.326/A2/04 dated 16-04-2008 and quash the same and direct the Respondent herein to allow the Petitioner to work as Unskilled Worker and regularize the period of suspension from 24-04-2007, with all monetary benefits accrued to his service, within a reasonable time.

For Appellant : Mr.v.R.Shanmuganathan
Spl.Govt.Pleader

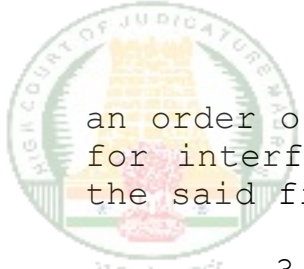
For Respondent : Mr.B.Jameel Arasu

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J.)

This writ appeal has been directed against the order dated 12.02.2014 passed in WP(MD)No.2766 of 2011 by this Court.

2.We are in full agreement with the first portion of the order passed by the learned Single Judge that prolonged suspension cannot be sustained. In so far as the second portion of the order that punishment has been imposed without proper enquiry, we find that such a finding is not inconsonance with the proceedings dated 16.04.2008 in ref.Se.Mu.Pro No.326/A2/04. In that proceedings, it has been stated that the respondent was working as a watchman and transferred to the post of unskilled labourer and again he was posted as a watchman. This is a case of mere transfer and not a punishment. Therefore, we modify the order of the learned Single Judge to the effect that the proceedings dated 16.04.2008 is not



an order of punishment, but transfer simpliciter. It does not call for interference as done by the learned Single Judge. We reverse the said finding.

3. The writ appeal is allowed to that extent. No costs. Connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

mj

To

1. The Principal Government Kavin Arts College,
Kumbakonam, Thanjavur District.

+one cc to Mr.B.Jameel Arasu, Advocate in SR.No.53775

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CSL/SKS-RR/SAR-II//15.10.2015/
2p/3c