



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD)No.16529 of 2015

and

M.P. (MD)No.1 of 2015

P.Sermapandi

:Petitioner

vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Municipal Commissioner,
Vickiramasingapuram Municipality,
Vickiramasingapuram,
Tirunelveli District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari, calling for the records relating to the impugned suspension order issued by the 2nd respondent in his proceedings in Na.Ka.No.217/2013 C1, dated 22.06.2015 and quash the same as illegal.

For Petitioner :Mr.Md.Imran
For M/s.Ajmal Associates

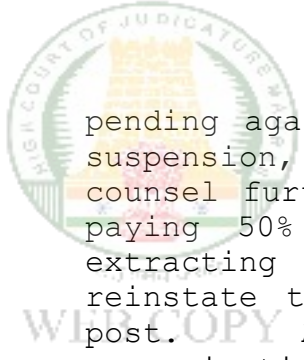
For Respondent-1 :Mr.K.P.Krishna Doss
Govt.Advocate

For Respondent-2 :Mr.H.Arumugam

O R D E R

This Writ Petition has been filed by Mr.P.Sermapandi, who has been placed under suspension, by an order dated 22.06.2015, seeking a Writ of Certiorari, to quash the suspension order issued by the Municipal Commissioner, Vickiramasingapuram Municipality, Tirunelveli District in Na.Ka.No.217/2013 C1, dated 22.06.2015.

2. The learned counsel appearing for the petitioner assailing the impugned order submitted that the petitioner ought not to have been placed under suspension without there being any departmental proceedings. When there is no indication in the impugned order of suspension that there is a contemplation of charges against the petitioner or a charge is



pending against the petitioner, the petitioner should not be kept under suspension, which is unjust and unsustainable in law. The learned counsel further submitted that instead of keeping the petitioner idle by paying 50% of the salary by way of subsistence allowance, without extracting any work, a direction may be given to the respondents to reinstate the petitioner, by posting him in any of the non-sensitive post. Adding further, it was also claimed that based on the communication sent by the District Collector, Tirunelveli in proceedings dated 17.06.2015, the 2nd respondent ought not to have passed the impugned suspension order. The reason is, the 2nd respondent being the appointing authority, ought not to have acted on the communication issued by the District Collector, Tirunelveli District, the first respondent herein.

3. Finally, this Court while entertaining an argument advanced from the petitioner's side that the petitioner is suffering from Polio attack with 50% disability, by order dated 11.09.2015, directed the petitioner, to be present before this Court, for examination with a further direction to the Dean, Rajaji Government Hospital, Madurai to depute a senior Doctor (Ortho) to find out whether the petitioner is suffering from 50% disability affected by polio. Pursuant to the direction issued by this Court, today, the matter was listed and Prof.Dr.V.R.Ganesan, M.S., Ortho deputed by the Dean, Rajaji Government Hospital was also present, whereas the petitioner refused to come to this Court, may be suppress his disability.

4. Mr.Md.Imran, learned counsel appearing for the petitioner also submitted that the communication dated 14.09.2015 was sent to the petitioner informing the development took place on 11th September 2015 and there upon, requested the petitioner to come to this Court. But he has not turned up. In view of that he has contacted the local counsel, who has sent the brief to him. When all the informations were provided to the petitioner to be present for examination by the Doctor in the Court, he has not turned up. When the Doctor viz., Prof.Dr.V.R.Ganesan, M.S., Ortho, from the Rajaji Government Hospital, Madurai has come to this Court, it is not known why the petitioner has evaded from appearing before this Court. Atleast the petitioner could have sent a request letter or a request to take adjournment citing some reasons. There is no such request made through his counsel.

5. In view of that, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Municipal Commissioner,
Vickiramasisingapuram Municipality,
Vickiramasisingapuram,
Tirunelveli District.

Copy to:

The Dean,
Government Rajaji Hospital,
Madurai.

+1cc to Mr.H.Arumugam, Advocate SR.No.55005
+1cc to M/S.Ajmal Associates, Advocate SR.No.54781
+1cc to The Special Government Pleader, Madurai. SR.No.54781

W.P. (MD) No.16529 of 2015
15.09.2015

MPK
NS/MP/29.10.2015 : 3P/7C