



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2015

CORAM:

THE HONOURABLE Mr. JUSTICE T. RAJA

W.P. (MD) No. 18497 of 2015

and

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

P. Ramachandran

... Petitioner

Vs.

1. The District Collector,
Tuticorin District.

2. The District Revenue Officer,
Tuticorin District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of suspension in Roc.No.A6/20889/2015, dated 22.06.2015 on the file of the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to reinstate the petitioner in service within the time stipulated by this Court.

For Petitioner : Mr. T. Lajapathi Roy

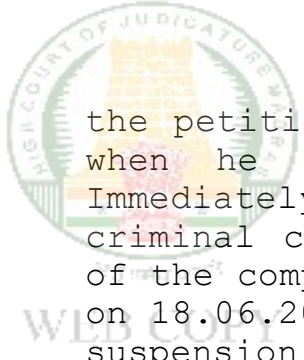
For Respondents : Mr. J. Gunaseelan Muthiah, G.A.

O R D E R

This Writ petition has been filed by the petitioner viz., P. Ramachandran, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of suspension in Roc.No.A6/20889/2015, dated 22.06.2015 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to reinstate the petitioner in service within the time stipulated by this Court.

2. The petitioner has been placed under suspension under Rule 17(3)(6) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, since a criminal case has been registered against the petitioner in Crime No. 12 of 2015 under Sections 452, 302, 379 r/w 120(b) IPC and subsequently he was arrested on 18.06.2015 at 18.00 pm and remanded to Srivaikundam District Jail.

3. The petitioner would state that he was serving as a Head Quarters Deputy Tahsildar, Ottapidaram and due to matrimonial disputes with his wife, he was living separately. While so, at the request of his children, he visited his wife's house on 08.01.2015 and paid money for tuition and dance class fee and on 09.01.2015



the petitioner returned to his house after finishing his work and when he went inside the house, his wife was found dead. Immediately, on the basis of the complaint given by his son, the criminal case has been registered. Pursuant to the registration of the complaint, he was arrested and remanded to judicial custody on 18.06.2015. Based on which, on 22.06.2015, he was placed under suspension under Sub Rule 17(e)(1)(ii) of the Tamil Nadu Discipline and Appeal Rules, 1973.

4. In this regard, the petitioner made a representation to the respondent on 02.10.2015. However, the respondents have not come forward to consider his representation. Hence, the petitioner is before this Court with the present Writ petition for the aforesaid prayer.

5. The learned counsel for the petitioner would submit that in similar circumstances in a Writ petition in W.P.(MD)Nos.11938 and 11939 of 2011, this Court has set aside the suspension order and in view of the same, the suspension order of the petitioner may be set aside.

6. But this Court is able to see that there is difference between the case in W.P.(MD)Nos.11938 and 11939 of 2011 and the case on hand. In the case on hand, the petitioner suffered a criminal case and the victim is his own wife and the investigation is yet to be completed.

7. In view of that, this Court is not inclined to entertain the Writ petition as it is premature. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Tuticorin District.

2. The District Revenue Officer,
Tuticorin District.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.60518

+One cc to The Special Government Pleader, SR.No.60492

nbj

RL/5c/AMF/18/11/2015

W.P.(MD)No.18497 of 2015