

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.33489 of 2015
and
M.P.No.1 of 2015

P.Panneer

..Petitioner

Vs.

1.The Principal District Judge,
Krishnagiri & District.

2.The Subordinate Judge,
Sub Court, Uthangarai,
Krishnagiri District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records from the second respondent pertaining to the impugned suspension order dated 28.08.2015 issued by the second respondent and quash the same consequently to direct the respondents to provide all monetary benefits.

For Petitioner
For Respondents

.. Mr.P.Vijendran
.. Mr.S.Haja Mohideen Gisthi

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Questioning the legality and validity of the order of suspension dated 28 August 2015 purported to have been passed under Rule 17 (e) of the Tamil Nadu Civil Services (Classification Control and Appeal) Rules, the petitioner has filed the present writ petition.

3. On examination, it is found that there is no enactment like Tamil Nadu Civil Services (Classification, Control and Appeal) Rules. However, prior to coming into force of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, 1953, the Madras Civil Services (Classification Control and Appeal) Rules were in existence, which stand superseded. The second respondent, without examining the relevant provisions, passed the impugned order.

4. A perusal of Rule 17 (e) of instant Rules i.e. Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1953, would show that a member of the service may be placed under suspension from service under Rule 17 (e), in the event there is an enquiry into grave charges against such member either in contemplation or pending or there is any complaint of any criminal offence against him, through investigation conducted. It is further provided that a member of the service may also be placed under suspension if he is detained in custody for a period longer than 48 hours.

5. In the case on hand, as pleaded by the learned counsel for the respondents, there are serious complaints pending against the petitioner. However, on perusal of the impugned order, it could be seen that there is no indication to any contemplation of enquiry or pendency of enquiry. Thus, on the basis of the averment made in the counter affidavit, we cannot come to any conclusion that the suspension order is passed, contemplating enquiry or pending enquiry.

6. For the reasons mentioned herein above, we revoke the order of suspension dated 28 August 2015. However, we reserve liberty to the respondents/competent officers to examine the case on its own merits and in accordance with law and take appropriate action, if so advised. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

mmi

To

1.The Principal District Judge,
Krishnagiri & District.

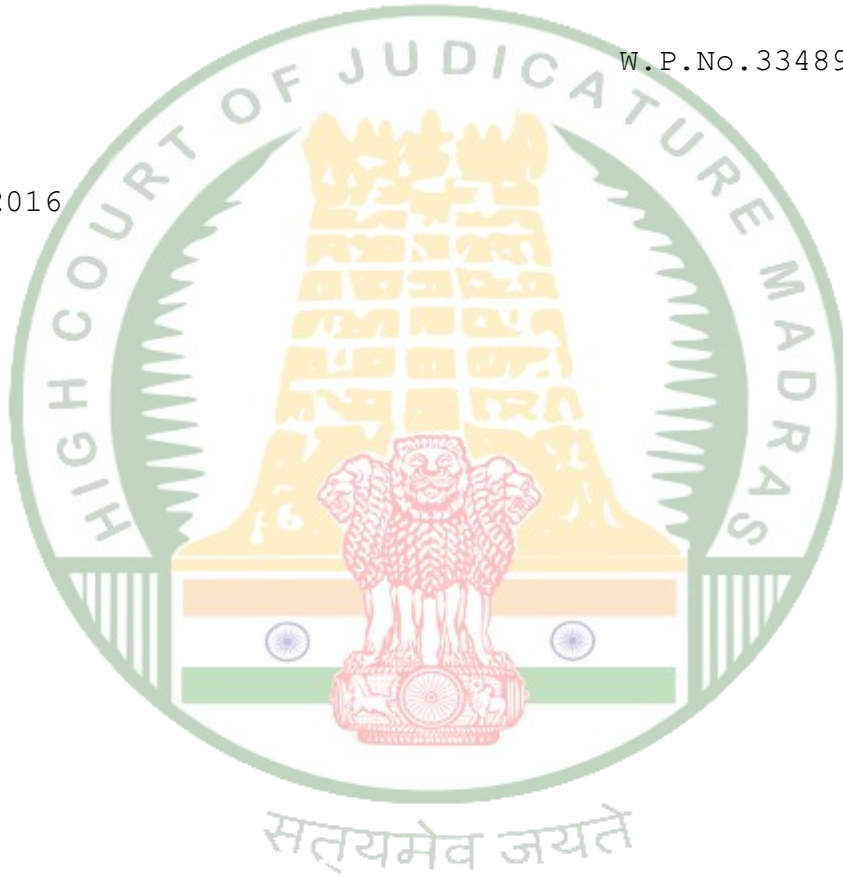
2.The Subordinate Judge,
Sub Court, Uthangarai,
Krishnagiri District.

+1 CC to MR.P.Vijendran Advocate. SR.NO. 419

+1 CC to MR.S.Haja Mohideen Gisthi Advocate. SR.NO.157

W.P.No.33489 of 2015

CO-AD
JD 19/01/2016



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