

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.61 of 2016
and
C.M.P.No.668 of 2016

- 1.The Special Secretary,
Social Welfare and Nutritious Meal Program,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Collectorate Office,
Villupuram District,
Villupuram.
- 3.The Commissioner,
Gingee Panchayat,
Gingee, Villupuram District. ... Appellants/Respondents

Vs.

C.Masilamani ... Respondent/Petitioners

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 08.06.2015 passed in W.P. No.7976 of
2015.

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

For appellants : Mr.S.Gunasekaran

For Respondent : No appearance

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal is preferred by the appellants against the order dated 8th June, 2015 passed in W.P.No.7976 of 2015, whereunder the learned Single Judge, finding the order of discharge dated 13th March, 2015 as the order of suspension pending enquiry against the respondent herein/ writ petitioner, directed the appellants herein to pay salary to the writ petitioner from the date of the impugned order till 8th June, 2015 and pay subsistence allowance thereafter.

2 The learned Single Judge proceeded on the basis that the order of discharge was passed without any enquiry, preventing the writ petitioner / respondent herein from attending office. Thus, the order was in the nature of suspension as after issuance of charge sheet, the enquiry was pending consideration. Thus the order dated 13th March, 2015, discharging the petitioner from duty, was treated as suspension order and a direction was accordingly passed by the impugned order dated 8th June, 2015.

3 During the pendency of the instant appeal, the enquiry has been concluded and the final order dated 23rd November, 2015 dismissing the respondent herein/ writ petitioner from the post of noon meal organiser was passed. The said order is not a subject matter of the instant appeal.

4 Heard the learned counsel for the appellants and examined the facts of the case.

5 Indisputably, the impugned order dated 13th March, 2015 was passed without holding proper enquiry. Once the enquiry has been initiated on the basis of certain charges, the order, discharging the services of the writ petitioner, could not have been passed straightaway. At the most, the employee could be placed under suspension and as such, the discharge order was rightly treated as suspension order and a direction was issued to make payment of salary. However, since the discharge order was treated as suspension order by the Writ Court in its order dated 8th June, 2015, which is sought to be impugned herein and thereafter, the enquiry continued, which resulted into dismissal of the writ petitioner / respondent herein from service, we do not find any infirmity and illegality in the impugned order passed by the learned Single Judge.

6 Resultantly, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Special Secretary,
Social Welfare and Nutritious Meal Program,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Collectorate Office,
Villupuram District,
Villupuram.
- 3.The Commissioner,
Gingee Panchayat,
Gingee, Villupuram District.

+1cc to Mr.S.Gunasekaran, Advocate sr.16621

सत्यमेव जयते

W.A.No.61 of 2016

WEB COPY

kgk(CO)
srg(06/04/2016)