

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition No.3968 of 2016
and
WMP No.3311 of 2016

M.Muniraj

... Petitioner

Vs.

1. The District Collector (PD Section),
Krishnagiri District,
Krishnagiri.

2. The Personal Assistant to
the District Collector,
Krishnagiri District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order bearing No.14276/2015/M3 dated 9.6.2015 of the second respondent herein and quash the same with all consequential benefits.

For petitioner : Mr.V.Suthakar

For respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent, this Writ Petition is taken up for disposal at the admission stage itself.

3. Mr.V.Suthakar, learned counsel for the petitioner would submit that the impugned order of suspension is not legally sustainable. Firstly, the second respondent has failed to review the order of suspension as per Rule 17(3) and (4) of the Tamil Nadu Village Panchayat Secretaries (Condition of Service) Rules 2013, which contemplates review on extension of suspension of an employee every quarter. Although the impugned order was passed on 9.6.2015, till date the second respondent has not reviewed as to whether the order of suspension should be

continued or not. This apart, the respondents have not come forward to pay the subsistence allowance even after a lapse of 7 months, which would clearly go to show that the respondent passed the impugned order with ulterior motive. On these grounds, the learned counsel for the petitioner would submit that the impugned order is liable to be set aside.

4. On the contrary, the learned Additional Government Pleader would submit that after the petitioner was placed under suspension, he was issued charge memo within a month's time for which the petitioner has also submitted a detailed explanation and therefore, the matter is ripe for thorough enquiry.

5. However, this Court finds no justification in not paying the subsistence allowance to the petitioner when he is under suspension. Considering the submissions made and the facts and circumstances of the case, this Court directs the respondent concerned to conduct the enquiry and conclude the proceedings pending against the petitioner on merits and in accordance with law as expeditiously as possible. In the mean while, the respondents are directed to continue to pay the subsistence allowance to the petitioner from the month of March, 2016 on or before 07th of every month till the final orders are passed on the impugned proceedings and the arrears of subsistence allowance for the period under suspension i.e. from 9.6.2015 to 28.02.2015 shall also be paid on or before 07.3.2016.

6. The Writ Petition is disposed of accordingly. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

asvm
To

सत्यमेव जयते
Sub Assistant Registrar

1. The District Collector (PD Section),
Krishnagiri District, Krishnagiri.
2. The Personal Assistant to
the District Collector,
Krishnagiri District.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.7291
+1cc to the Government Pleader, S.R.No.7239

W.P.No.3968 of 2016 and
WMP No.3311 of 2016

VD(CO)
CA(12/02/2016)