



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

W.A.(MD).No.937 of 2016

and

C.M.P(MD).No.5605 of 2016

K.S.Krishnamoorthy

:Appellant/Petitioner

Vs.

1.The Director,

Directorate of Social Defence (FAC),
No.300, Purasaivakkam High Road,
Kellys, Chennai 10.

2.The Deputy Director,

Regional Office of Social Defence,
Madurai.

:Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 04.12.2015 made in W.P.(MD).No.21652 of 2015 on the file of this Court.

Prayer in WP(MD). 21652/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issuance of a WRIT OF CERTIORARIFIED MANDAMUS calling for the records and quash the Impugned order passed by the 1st Respondent in his proceedings No.5067/A1/2015 dated 04.05.2015 on the ground that the same is arbitrary, illegal, perverse and consequently directing the Respondents to reinstate the Petitioner in service.

For Appellant

: Mr.S.Karthick

For Respondents

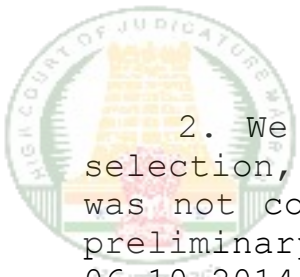
: Mr.M.Govindan

Special Government Pleader

JUDGMENT

[Judgment of the Court was made by
The Hon'ble The Chief Justice]

On the complaint of a dissatisfied teacher, who had not been selected, an First Information Report was registered and the appellant, who is an Office Superintendent, was placed under suspension along with a Typist.



2. We may notice that allegations were made against the non-selection, by way of interview conducted, with which the appellant was not concerned. First Information Report was registered, after preliminary enquiry on 20.03.2015, on the complaint made on 06.10.2014. The suspension order was passed on 04.05.2015. The appellant was aggrieved by the continued suspension and filed W.P.(MD).No.21652 of 2015, which has been dismissed by the impugned order dated 04.12.2015 of the learned Single Judge.

3. It appears that the recommendation to revoke the suspension was made on 23.11.2015. On the investigation having concluded, as no case was made out, the First Information Report was quashed by this Court on 03.06.2016 in CrI.OP(MD).No.20805 of 2015. The appellant still remains under suspension.

4. We strongly deprecate the conduct of the respondents in placing under suspension officers at the bottom of the ladder, which appeared to be only a ruse to satisfy the complainant. The appellant and the Typist have suffered unnecessarily. Nothing has been found in the complaint and if something had been found, the finger would naturally point to the Board, rather than the appellant and the Typist.

5. Result to the aforesaid is the Writ Appeal is allowed, the impugned order dated 04.12.2015 is set aside and the suspension of the appellant is directed to be revoked forthwith, not later than within a period of one week from today. Naturally, the same benefit would be made available to the Typist. It is open to the appellant, if so advised, to claim compensation for wrongful suspension.

The Writ Appeal is allowed in the aforesaid terms with cost, quantified at Rs.5,000/- for the appellant. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Director, Directorate of Social Defence (FAC),
No.300, Purasaivakkam High Road, Kellys, Chennai 10.

2.The Deputy Director,
Regional Office of Social Defence, Madurai.

Copy to : The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.s.Karthik, Advocate in SR.29584

+1cc to the Special Government Pleader, in SR.29792