

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2017

CORAM

The Hon'ble Mr. Justice M. Sathyanarayanan

W.P.No.4264 of 2017

V. Rajendran

... Petitioner

Vs.

The Commissioner,
Hindu Religious and
Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 039.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 18.01.2017 and to pass final orders with regard to the proceedings of the respondent, dated 11.05.2016, in Na.Ka.No.3835/2016-1/L2.

For Petitioner : Mr. R. Amardeep for
M/s. Tamizh Law Firm

For Respondents : Mr. M. Maharaja
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner was the additional in charge of Arulmigu Rasa Samy Temple, Erode District and he was placed under suspension, vide proceedings of the Joint Commissioner, H.R & C..E. Coimbatore, dated 23.01.2016. Thereafter, a charge memo was issued to him, for which, he also submitted his explanations and after completion of enquiry, the Enquiry Officer submitted a report holding that some of the charges levelled against the petitioner are proved, however, he made a positive recommendation that the petitioner, in his service career, has not visited with any disciplinary proceedings, and on account of

his act, no financial loss has been caused and no misappropriation was committed by him. The grievance expressed by the petitioner is that, though the Enquiry Officer submitted his report as early as on 01.06.2016, the order of suspension, dated 23.01.2016, is yet to be reviewed/revoked. In this regard, he has also submitted a representation, dated 18.01.2017 to the respondent and since no order has been passed, the petitioner has come forward with this Writ Petition.

3. Mr.R.Amardeep, learned counsel appearing for the petitioner has drawn the attention of this Court to the proceedings of the respondent in Se.Mu.Na.Ka.No.3835/2016/L/2, dated 11.05.2016, and would submit that, even as per the said proceedings, the respondent has indicated that, as and when the Enquiry Officer submits his report, the order of suspension passed against the petitioner will be reviewed and since the Enquiry Officer submitted his report as early as on 01.06.2016, there will not be any impediment on the part of the respondent to review the order of suspension and prays for appropriate orders.

4. Per contra, the learned Special Government Pleader, (H.R.&C.E) who accepts notice on behalf of respondents would submit that the Enquiry Officer held that some of the charges are proved and also made a positive recommendation as to the past records of the petitioner and in the light of the past clean records of the petitioner and based on the report, appropriate orders will be passed.

5. This Court considered the rival submissions and also perused the materials placed on record.

6. The petitioner was placed under suspension as early as on 23.01.2016, and he was visited with disciplinary proceedings and the Enquiry Officer also submitted his report to the respondent on 01.06.2016 and also made positive recommendation that the petitioner, in his service career has not visited with any disciplinary proceedings, and his act did not result in financial loss, nor he indulged in any misappropriation of funds. It is to be pointed out at this juncture that the respondent, in his communication, dated 11.05.2016, addressed to the petitioner has informed that the order of suspension will be reviewed after receipt of the Enquiry Officer's report. In the light of the same, there will not be any impediment on the part of the respondent to review/revoke the order of suspension passed against the petitioner.

7. In the light of the above facts and circumstances of the case, the second respondent is directed to consider the representation made by the petitioner for revocation of the

order of suspension dated 18.01.2017 on merits and in accordance with law and after taking note of the communication dated 11.05.2016, shall pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sd

To

The Commissioner
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 039.

+1cc to Mr.Tamizh Law Firm, Advocate, S.R.No.11748
+1cc to the Government Pleader, S.R.No.11418

W.P.No.4264 of 2017

kgk(co0
rmp(24/03/17)

सत्यमेव जयते

WEB COPY