

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.10492 OF 2017
and WMP.No.11383 of 2017

Dr.V.Vaidhyanathan

... Petitioner

Versus

1. The Periyar University
Rep. by its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem 636 011.

2. Manivannan
The Registrar,
Periyar University,
University Campus,
Periyar Palkalai Nagar,
Salem 636 011.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus to call for the records from the file of the first respondent and quash the orders passed in PU/R/Estt/D1/6491/2017 dated 04.04.2017 and to quash the same and with further direction to reinstate the Petitioner into service of Assistant Professor, Economics Department at Respondent University.

For Petitioner

... Ms.S.P.Arthi

For Respondents

... Mr.P.Godson Swaminath
for M/s.Isaac Chambers

ORDER

This writ petition is filed for issuance of writ of certiorarified mandamus to call for the records from the file of the first respondent and quash the orders passed in PU/R/Estt/D1/6491/2017 dated 04.04.2017 and to quash the same and with further direction to reinstate the petitioner into service as Assistant Professor, Economics Department at Respondent University.

2. The writ petitioner was placed under suspension on the basis of prima facie information / materials received by the respondent.

3. The learned counsel for the writ petitioner strenuously contended that the writ petitioner is no way connected with the alleged incident relied upon by the respondents.

4. This Court cannot scrutinise or go into the materials relied upon by the respondents at this point of time and it is for the disciplinary authority to consider all these aspects during the course of domestic enquiry. Suspension is not a punishment and only on receipt of the prima facie materials, the competent authority has placed the writ petitioner under suspension and therefore this Court is not inclined to go into the merits and demerits of the facts regarding suspension and it is left open to the writ petitioner to raise all these before the domestic enquiry. Hence, the writ petition is devoid of any merits.

5. The learned counsel both for the petitioner as well as for the respondent admitted that the charge memo was issued to the petitioner on 02.06.2017. Therefore, the respondents have to conduct enquiry and this Court is of the opinion that the disciplinary enquiry cannot be kept pending for a long time. Hence a direction is issued to the respondents to conclude the enquiry by providing a reasonable opportunity to the writ petitioner and pass final orders in the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order, provided the writ petitioner fully cooperates for the completion of the enquiry. With these observation this writ petition stands disposed of. No costs. Connected miscellaneous petition is also closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

dpq
To

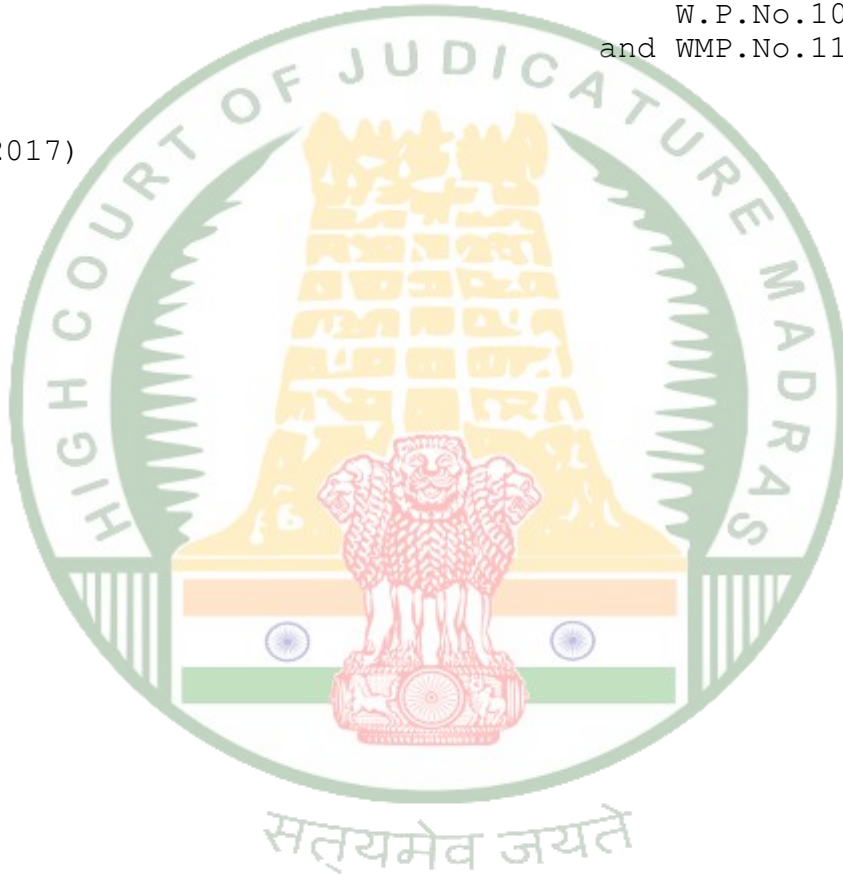
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+1cc to M/S S.P.Arthi, Advocate Sr. 46436
+1cc to M/S. Isaac Chambers, Advocate Sr. 46543

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LRS (CO)
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