

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.7821 of 2017

and

W.M.P.Nos.8552 & 8553 of 2017

V.Venkatesan

... Petitioner

Versus

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram - 608 002
Cuddalore District

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, call for the records of the respondent dated 11.05.2016 vide Suspension Order No.37/2016 (S 3) and quash the same in relevance to the Judgment of Apex Court dated 16.02.2015 in Ajai Kumar Choudhry Vs. Union of India in CA No.1912/2015 with consequential direction to the respondent to re-instate the petitioner - in pursuant to the representation of the Petitioner dated 01.02.2017 in to the service of the Respondent with all the attendant benefits right from the date of suspension.

For Petitioner : M/s.P.Haribabu

For Respondent : Mr.V.R.Kamalanathan

ORDER

The order of suspension issued by the respondent in proceedings dated 11th May 2016 is under challenge in this writ petition.

2. The writ petitioner who was holding the post of Hospital Worker has been involved in a criminal case and CB CID, Cuddalore registered a criminal case in Crime No.3/2015 under Sections 381, 408, 420, 120(b) and 109 of Indian Penal Code. The Criminal case is under investigation and pursuant to the registration of the criminal case, the writ petitioner was

placed under suspension. Therefore, the grounds raised by the writ petitioner is that the order of suspension is to be revoked in three months cannot be complied in the facts and circumstances in this case.

3. In the facts and circumstances of this case, when the writ petitioner is arrayed as an accused in the criminal case and more so, the criminal case is under investigation by the CB CID, Police, it is not advisable to revoke the order of suspension at this point of time. More so, the order of suspension is not a punishment and it is for the petitioner to prove his innocence and come out from the clutches of the enquiry proceedings.

4. In these circumstances, the writ petition filed challenging the order of suspension deserves no further consideration and accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rka/sji

To

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram - 608 002
Cuddalore District.

+lcc to Mr.P.Haribabu, Advocate, S.R.No.47770

+lcc to Mr.V.R.Kamalanathan, Advocate, S.R.No.48002

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CA(02/08/2017)