

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.8.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**W.A.No.675 of 2017 and
C.M.P.No.9705 of 2017**

The Commissioner of Municipal
Administration,
Ezhilagam, Chepauk, Chennai 600 005.

Appellant

Versus

J.Paul Davis

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.3.2016 passed in W.P.No.9085 of 2016 on the file of this court.

For appellant : Mr.V.Jayaprakash Narayanan,
Special Govt. Pleader
For respondent : Mr.T.Dharani

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellant and the learned counsel appearing for the respondent.

2. It appears that on the allegation of charges of corruption, the respondent has been kept under suspension from 19.5.2014 and is being paid 75% of the salary by way of subsistence allowance. In the writ petition filed by the respondent seeking to quash the suspension order and reinstate him, the learned Single Judge, observing that he has been paid the

subsisting allowance for all these years without extracting any work from him, has directed the appellant to reinstate the respondent herein in a non-sensitive post, relying upon the decision of this court in W.P.(MD) No.21014 of 2013 dated 8.4.2014 and W.P.No.29195 of 2010 and batch dated 2.7.2012 and also the decision of the Supreme Court in AJAY KUMAR CHOUDHAR'S case (2015(7) SCC 291). Challenging the same, the present appeal has been filed.

3. The order of suspension is of the year 2014. Though it is very belated, now, it is submitted that charges were framed in the criminal case and there is a possibility of concluding the trial in the near future. In such circumstances, it is hereby directed that if the trial could not be concluded within another three months from the date of receipt of a copy of this order, the respondent shall be posted in a non-sensitive post far away from the place where he had already worked as otherwise it would be a burden to the exchequer in making payment of salary without extracting any work. The respondent also will co-operate for expeditious conclusion of Trial of the criminal case. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

(H.G.R.,J.)(G.J.,J.)

7.8.2017.

Index:Yes/No
Internet:Yes/No
ssk.
To:

The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai 600 005.

**HULUVADI G. RAMESH, J.
AND
G.JAYACHANDRAN, J.**

ssk.



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