

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**

W.P.No.33660 of 2014

and

M.P.No.1 of 2014

P.Gunasekaran

..

Petitioner

Vs

1.The Special Commissioner of
Municipal Administration,
Ezhilagam, Chepauk, Chennai – 5.

2.The Regional Joint Director,
Municipal Administration,
Thiruppur Kumaran Campus,
Thiruppur.

3.The Executive Officer,
Kottur Town Panchayat,
Kottur, Pollachi Taluk,
Coimbatore District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of certiorari to call for the records relating to the order of suspension of the petitioner made in Na.Ka.No.322/2014 dated 02.06.2014 on the file of the third respondent and quash the same.

For Petitioner .. Mr.M.Ravi

For Respondents .. Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader for R1 and R2
Mr.P.V.Selvakumar,
Addl. Govt. Pleader for R3

ORDER

Challenging the suspension order dated 02.06.2014, the petitioner has filed the present writ petition.

2.The case of the petitioner is that while he was working as Sanitary Worker, he was impleaded in a criminal case and because of the said fact, the third respondent had placed the petitioner under suspension vide order dated 02.06.2014. The said order is impugned in the present writ petition.

3.Heard the learned counsel appearing for the parties.

4.Learned counsel appearing for the petitioner would submit that the criminal case in which the petitioner was implicated has ended in acquittal vide order of the learned Sessions Judge, Mahila Court,

Coimbatore dated 15.07.2016. According to the learned counsel, against the acquittal order, no appeal has been filed or pending. This fact is also not disputed by the learned Additional Government Pleader appearing for respondents 1 and 2.

5.While so, without any kind of review of the order passed, the third respondent placed the petitioner under suspension and the suspension has been continued needlessly. The learned counsel for the petitioner would also draw the attention of this Court to the Government Order in G.O.Ms.No.40 dated 30.01.1996, issued by the Department of Personnel and Administrative Reforms, in which elaborate guidelines have been issued as to the treatment of suspension period of the Government servants.

6.Upon consideration of the facts and circumstances and also the Government Order and particularly in view of the subsequent development that the criminal case had ended in acquittal as early as 15.07.2016, the suspension order passed against the petitioner is liable to be reviewed by the third respondent. In such circumstances, this Court is of the firm view that a direction has to be issued to the third respondent for reconsideration of the entire matter and for

review of the suspension order passed against the petitioner.

7. In such circumstances, there shall be a direction to the third respondent to cause review of the order dated 02.06.2014 in terms of the present legal position and also in terms of the Rules and the Government Orders issued on the subject matter and revoke the suspension order passed against the petitioner. The said exercise shall be initiated and completed within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2017

Index: Yes/No
mmi

Note: Issue copy of the order on 10.07.2017

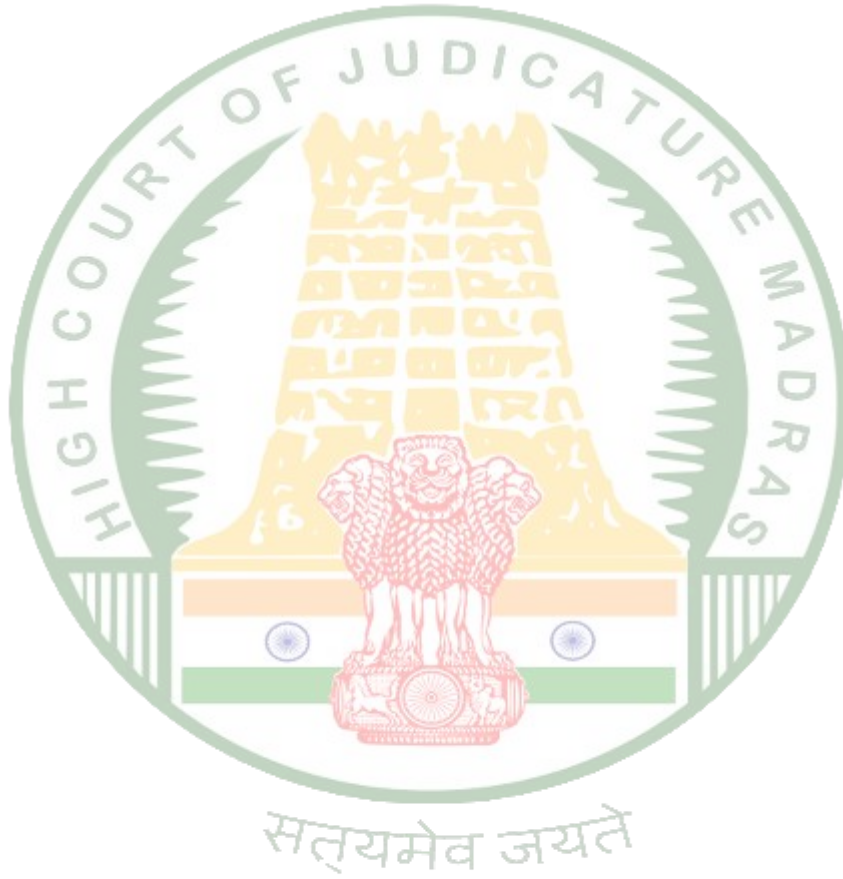
To

1. The Special Commissioner of
Municipal Administration,
Ezhilagam, Chepauk, Chennai – 5.
2. The Regional Joint Director,
Municipal Administration,

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Thiruppur Kumaran Campus,
Thiruppur.

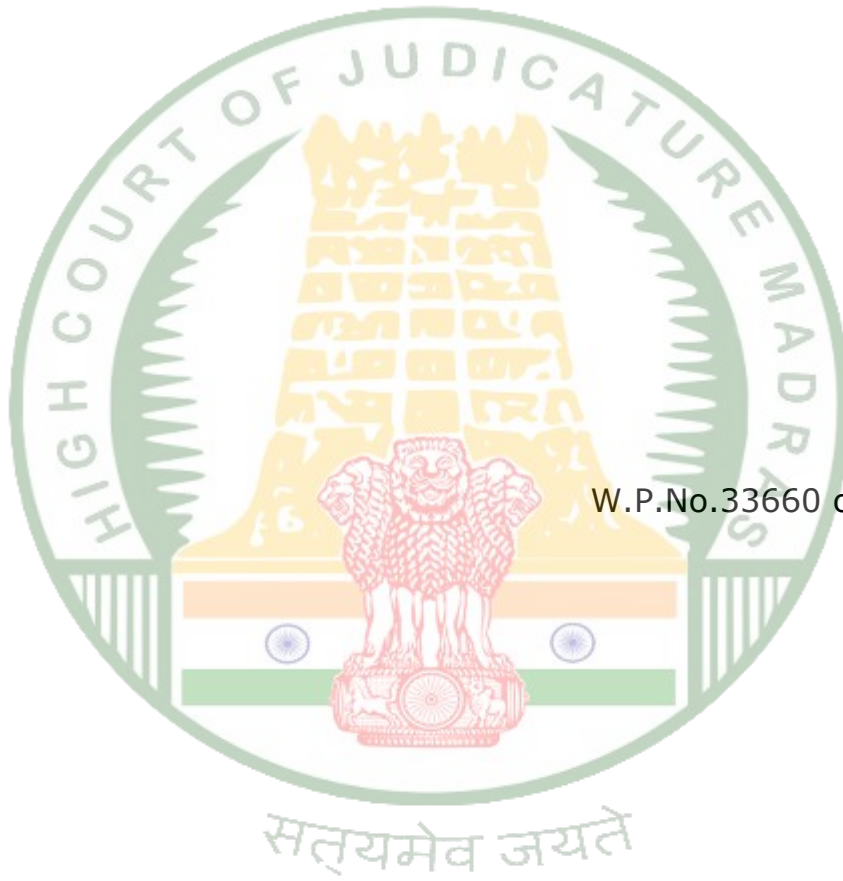
3.The Executive Officer,
Kottur Town Panchayat,
Kottur, Pollachi Taluk,
Coimbatore District.



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V.PARTHIBAN, J.

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