

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14318 of 2017
and
W.M.P.No.15518 of 2017

T.Duraisamy

.. Petitioner

vs.

1.The Assistant Director of Town Panchayat,
Salem Zone,
Salem District.

2.The Executive Officer,
Gangavalli Town Panchayat,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.77/2017 dated 04.05.2017 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to reinstate the petitioner in service.

For Petitioner : Mr.M.Rajendiran
For Respondents : Mr.P.Sanjay Gandhi
Addl.Govt.Pleader

ORDER

Mr.P.Sanjay Gandhi, learned Additional Government Pleader takes notice on behalf of the respondents.

2.By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel appearing for the writ petitioner fairly admitted the fact that as per the order of suspension dated 04.05.2017, a criminal case was registered against the writ petitioner and he was arrested. Consequent to the arrest in a criminal case, the second respondent issued an order of suspension on 04.05.2017. The writ petitioner moved this writ petition questioning the validity of the suspension order.

4. The grounds raised in the writ petition that the respondent issued suspension order in an arbitrary manner deserves no consideration since the writ petitioner has not substantiated the grounds raised therein. When there is an admission of arrest relating to a criminal case, the writ petitioner has to be placed under suspension necessarily and Disciplinary Proceedings are to be initiated under the Tamil Nadu Civil Service (Discipline and Appeal) Rules. Hence, the writ petitioner has to wait for the charge memo or final disposal of the criminal case by the criminal Court.

5. Accordingly, there is no infirmity in the order of suspension. Thus, the writ petition deserves no further consideration and the same stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dna/gpa

To

1.The Assistant Director of Town Panchayat,
Salem Zone, Salem District.

2.The Executive Officer,
Gangavalli Town Panchayat, Salem District.

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