

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26801 of 2017 and
WMP.No.28522/2017

T.Ellumalai

... Petitioner

Versus

1. The Commissioner,
HR & CE Department,
No.119, Utthamar Gandhi Road,
Chennai-34.
2. The Joint Commissioner,
HR & CE Department,
Sathuvacherry,
Vellore-9.
3. The Assistant Commissioner,
HR & CE Department
(District Taluk Office Building),
Kancheepuram.
4. The Assistant Commissioner,
HR & CE Department,
Villupuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records with regard to the order passed by the 3rd respondent dated 17.8.2017 in SE.MU.NA.KA.No.2619/2017/A1 and quash the same.

For Petitioner : Mr.B.Raviraja
For Respondents : Mr.R.P.Prathap Singh,
Government Advocate

O R D E R

This Writ Petition is directed against the impugned order of suspension dated 17.08.2017 of the 3rd respondent passed against the petitioner on the ground that the petitioner has abused the Head Clerk and also attacked him inside the office premises.

2. The learned Counsel appearing for the petitioner assailing the same pleaded that the impugned order of suspension has been passed without any justification and when the petitioner has been placed under suspension with serious allegation that he has abused his superior officer and also assaulted him, an enquiry should have been conducted. Without proper enquiry, the impugned order of suspension cannot be passed as it amounts to extreme penalty.

3. Heard the learned Government Advocate appearing for the respondents.

4. This Court is unable to entertain this Writ Petition. The reason is that a reading of the suspension order, which has been served on the petitioner, shows that pending enquiry, the petitioner has been placed under suspension for an alleged incident of abusing and assaulting his senior official inside the office room. Therefore, when he has been placed under suspension for assaulting another colleague, he cannot come to this Court on the ground that before placing him under suspension, an enquiry should have been conducted.

5. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

tsi

To

1. The Commissioner,
HR & CE Department,
No.119, Utthamar Gandhi Road,
Chennai-34.

2. The Joint Commissioner,
HR & CE Department,
Sathuvacherry,
Vellore-9.

3. The Assistant Commissioner,
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(District Taluk Office Building),
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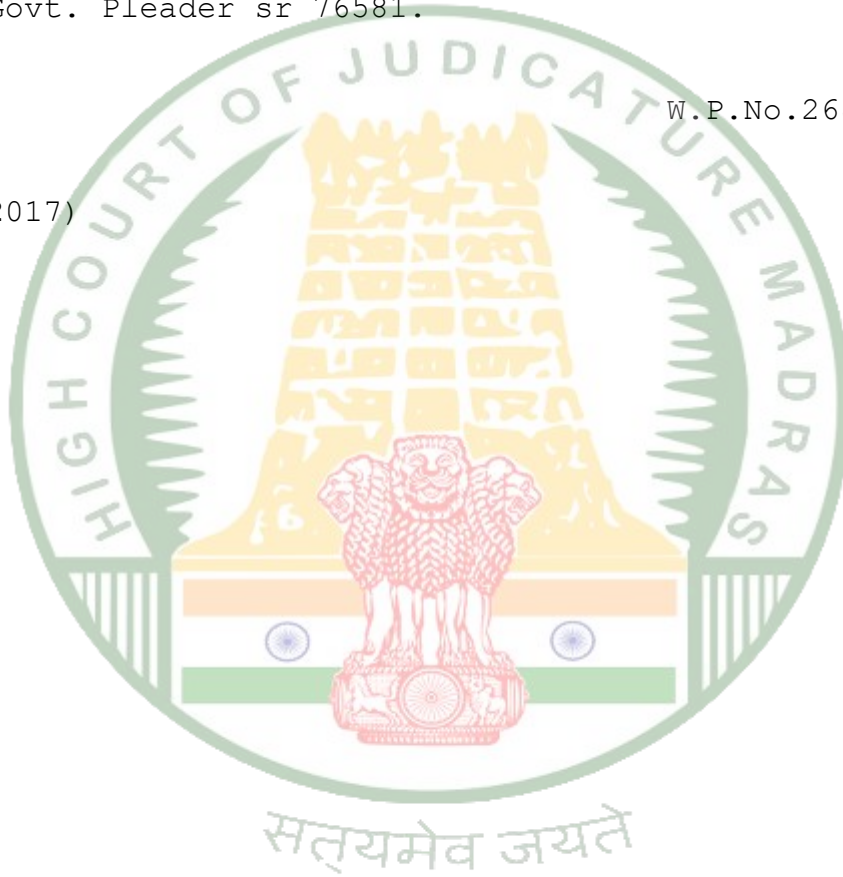
4. The Assistant Commissioner,
HR & CE Department,
Villupuram.

+2 cCs to Mr.B. Ravi Raja, Advocate sr 76217.

+1 Cc to Govt. Pleader sr 76581.

W.P.No.26801 of 2017

SR(CO)
SP(24/11/2017)



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