

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1716 of 2017

V.Vijayalakshmi

.. Petitioner

-vs-

1. The District Collector
Dharmapuri District
Dharmapuri

2. The Enquiry Officer /
The Assistant Commissioner (Excise)
Dharmapuri District
Dharmapuri .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to drop the disciplinary proceedings in Na.Ka.No.10222/13/A2 dated 28.06.2013 in the light of order daed 11.06.2015 passed in Crl.O.P.No.30819/2014.

For Petitioner ::Mr.C.Umashankar

For Respondents::Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner has come to this Court questioning the correctness of the impugned suspension order. Learned counsel for the petitioner submitted that the petitioner was placed under suspension only on the basis of the complaint filed by one Tmt.Revathi and consequently, she was arrested. Based on the arrest of the petitioner, the respondents suspended the petitioner and consequently issued the impugned suspension order. Since the matter has now been compromised between the complainant and the petitioner and the C.C.No.1 of 2015 registered on the basis of the complaint also has been quashed by this Court in Crl.O.P.No.30819 of 2014 dated 11.6.2015, the order of suspension has to be revoked.

2. A perusal of the order dated 24.7.2015 passed in C.C.No.1 of 2015 by the learned Judicial Magistrate No.II, Dharmapuri,

which is given as under,

"A1 to A3 present. Order of Hon'ble High Court in Crl.O.P.No.30819/2014 dated: 11.06.2015 received by this Court. As per the above said order the parties have settled their issues, before Mediation Centre, High Court and the C.C.No.01/2015 was quashed by Hon'ble High Court. Hence the entire proceedings in C.C.No.01/2015 is hereby closed."

clearly shows that the parties have compromised the matter. Therefore, the very basis and the foundation warranting the petitioner to be placed under suspension stand vanished. Hence, this Court finds no hesitation to quash the impugned suspension order. The learned Special Government Pleader for the respondents also submitted that pursuant to the said complaint, the petitioner was also proceeded departmentally and no final order has been passed. Be that as it may, if the disciplinary authority has received the report of the enquiry officer, it is for him to proceed in the manner known to law. Pursuant to the order of compromise recorded by the learned Judicial Magistrate No.II, Dharmapuri on 24.7.2015, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside and the respondents are directed to reinstate the petitioner in service. The writ petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The District Collector
Dharmapuri District
Dharmapuri
2. The Enquiry Officer /
The Assistant Commissioner (Excise)
Dharmapuri District
Dharmapuri

+1cc to the Government Pleader, S.R.No.19628

W.P.No.1716 of 2017

VGII(CO)
RS(02/05/2017)