

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17630 of 2017
and
W.M.P.No.19127 of 2017

R.Saibaba ... Petitioner
Versus

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Personal Assistant (Development),
to the District Collector,
Thiruvannamalai District,
Thiruvannamalai. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of CERTIORARIFIED MANDAMUS, to call for records of the second respondent relating to Pro.na.Ka.No.8773/2016/pa.E.2 dated 29.07.2016 to quash the same and to issue consequential direction to the respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The order of suspension is under challenge in this writ petition. The writ petitioner, who was holding the post of Panchayat Secretary, Abdullapuram Village Panchayat in Vembakkam Panchayat and was also incharge of Panchayat Secretary, Pullavakkam Village in same union, was placed under suspension by the second respondent in proceeding dated 29.07.2016.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner is continuing in suspension for about one year and a charge memo also was issued on

17.10.2016. In spite of the fact that the charge memo was issued on 17.10.2016, the process of enquiry has not yet been concluded. Thus, he submits that it is suffice that a time limit may be fixed for completion of enquiry.

3. This court is of the view that the order of suspension cannot be construed as punishment and furthermore, a criminal case is registered against the writ petitioner with regard to misappropriation of the funds of the Pullavakkam Village Panchayat and the same is pending. Pendency of the criminal case is not a bar for continuing the departmental disciplinary proceedings and the respondent may conduct domestic enquiry based on the materials available.

4. This apart, the evidences and the documents to be produced before the Criminal Court is no way connected with the department disciplinary proceedings and the Disciplinary Authority shall continue the disciplinary proceedings on facts and on the basis of the records available. In this view of the matter, it is unnecessary to consider the grounds raised in this writ petition. However, in respect of the continuance of disciplinary proceedings, it is left open to the Authorities to conclude the disciplinary proceedings as early as possible and this court is not expressing any opinion on that. Thus, no consideration is required in respect of the impugned order of suspension.

5. Accordingly, the Writ Petition stands dismissed. However, no order as to costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

cgi/kas

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

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2. The Personal Assistant (Development),
to the District Collector,
Thiruvannamalai District,
Thiruvannamalai.

+1 CC to Ms. M. Ravi Advocate sr 49335
+1 CC to The Govt. Pleader sr 49674.

W.P.No.17630 of 2017

GMI (CO)
SP(02/08/2017)



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