

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.19877 of 2017
and
W.M.P. No.21474 of 2017

B.Tamilarasi,
Superintendent(in the cadre of Block
Development Officer)
Office of Assistant Director of
Rural Development(Audit)
Virudhachalam. ... Petitioner

Vs.

The District Collector,
Cuddalore District,
Cuddalore. ... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, or order or direction like nature to call for the records pertaining order bearing Roc.No.PA1/4057/2017 dated 25.07.2017 of the respondent herein and quash the same.

For Petitioner : Mr.V. Suthakar

For Respondent : Mr.M. Perumal
Government Advocate

O R D E R

The order of Suspension dated 25th July, 2017 issued by the respondent is under challenge in this writ petition.

2. The writ petitioner is holding the post of Superintendent/Block Development Officer. On account of the contemplation of charges, the writ petitioner was placed under suspension in proceedings dated 25th July, 2017.

3. The learned counsel appearing for the writ petitioner contended that there is no wording in the impugned suspension order stating that the disciplinary proceedings are contemplated or otherwise. Thus, the order of suspension was issued by way

of punishment and it is to be set aside. This apart, he contended that the disciplinary authority has fixed his mind and issued the order of suspension which amounts to punishment.

4. This Court is of the view that mere initiation of disciplinary proceedings cannot be construed as punishment. Though certain wordings in the impugned suspension order indicates that the writ petitioner has committed serious irregularities, that does not mean that competent authority had come to the conclusion. A mere wording used in the order of suspension cannot be taken in a wrong sense and in fact, the same is to be seen as if the order is not happily worded. On these technical grounds, a delinquent cannot escape from the clutches of disciplinary proceedings. Any disciplinary proceedings initiated against the public servants are to be allowed to be concluded and, the delinquent has to prove his innocence only during the course of domestic enquiry. These technical grounds cannot constitute a reason for quashing of the suspension orders, which is nothing but initiation of disciplinary proceedings. Suspension can never be a punishment and it is only initiation of disciplinary proceedings. Such being the factum of this case, there is no further adjudication needs to be undertaken in this writ petition.

5. The learned counsel appearing for the writ petitioner states that the writ petitioner is due for retirement on 31st December, 2017 and made a submission that an earlier completion of disciplinary proceedings is just and necessary.

6. Taking note of these factors, the respondent have to complete the disciplinary proceedings in all respects in accordance with the rules and by affording reasonable opportunity under the rules to the writ petitioner and pass final orders in the disciplinary proceedings.

7. With these observations, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

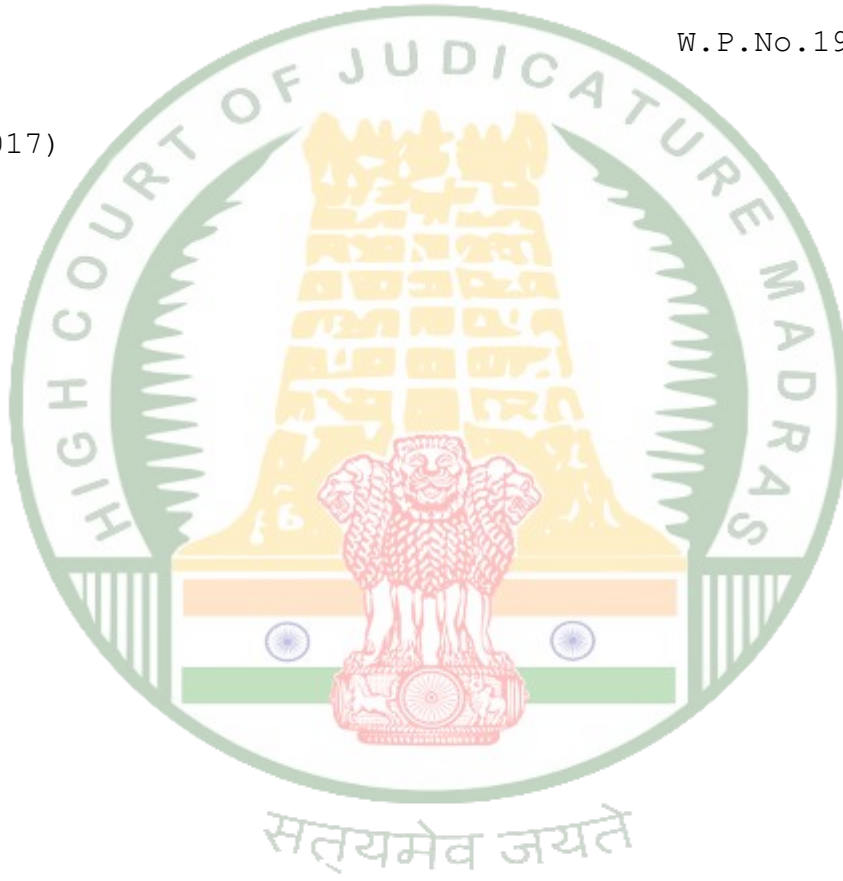
To
The District Collector,
Cuddalore District,
Cuddalore

+1cc to Mr.V.Sudhakar,Advocate sr.55527

+1cc to Government Pleader sr.56327

W.P.No.19877 of 2017

ry (co)
ss (29/8/2017)



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