



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27341 of 2016

and

W.M.P.No.23542 of 2016

K.Sekar

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of Municipal Administration,
Government of Tamilnadu,
Fort St.George, Chennai-600 009.

2. The Municipal Engineer cum commissioner,
Arani Municipality, Arani - 632 001.
Thiruvannamalai District.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mamdamus to call for the records of the second respondent impugned order Na.Ka No.3555/2015/15/C1 dated 19.12.2015 and quash the same and direct the respondent to allow the petitioner to join duty.

For Petitioner : Mr.M.Palanimuthu

For Respondent -1 : Mr.R.S.Selvam
(Government Advocate)

For Respondent -2 : Mr.M.Paul Raj

O R D E R

The order of suspension issued by the second respondent in proceedings dated 19.12.2015, is under challenge in this writ petition.

2.On perusal of the order of suspension, it is made clear that the criminal case was registered against the writ petitioner under sections 147, 148, 294(b), 323, 324 and 506(ii) IPC in First Information Report No.400/2015 before the Avadi Town Police Station.



Pursuant to the registration of the criminal case, the writ petitioner was suspended on 19.12.2015 and kept in Judicial Custody. On receipt of the information, the writ petitioner was placed under suspension in proceedings dated 19.12.2015.

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3. The learned counsel appearing on behalf of the writ petitioner stated that a false case was registered against the writ petitioner by the police and therefore the order of suspension has to be revoked. Thus, apart the learned counsel states that he was suspended and even before passing the order of judicial custody, the impugned order was issued.

4. Such facts need not be adjudicated at this point of time in this writ petition, since, the fact remains that the criminal case was registered against the petitioner. This being the factum of the case, this Court cannot consider the prayer as such sought in this writ petition. However, the writ petitioner was placed under suspension in proceedings dated 19.12.2015 and he is under continuous suspension for more than 1.5 years. Thus, the respondents can very well review the order of suspension, considering the factual circumstances. In this regard the writ petitioner has submitted a representation on 01.07.2016.

5. Without going into the merits of the case, the second respondent is directed to consider the representations submitted by the writ petitioner on 01.07.2016 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed off. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa/smn

To.

1. The Principal Secretary to Government,
Department of Municipal Administration,
Government of Tamilnadu,
Fort St. George, Chennai-600 009.



2. The Municipal Engineer cum commissioner,
Arani Municipality, Arani - 632 001.
Thiruvannamalai District.

+1 CC to The Government Pleader, Sr.No.67953

+1 CC to Mr.M.Paul Raj Advocate Sr.No.67845

+1 CC to Mr.M.Palanimuthu Advocate Sr.No.67404

W.P.No.27341 of 2016

RA(CO)
KP(10.10.2017)