

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.28929 of 2016

and

W.M.P.25005 & 25006 of 2016

K.V.Suresh

... Petitioner

.Vs.

1. The Director of Municipal
Municipal Administration / Commissioner
Ezhilagam Complex,
Chepauk, Chennai – 600 006.
2. The Commissioner,
Vaniambadi Municipality,
Vellore District.
3. The Commissioner,
Dharmapuri Municipality,
Dharmapuri District.

....Respondents

Prayer : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent vide their proceedings in Roc.No.34225/2014/K3 dated 30.12.2015 as confirmed vide their proceedings in Na.Ka.No.34225/2014/K3 dated 20.07.2016 and quash the same and consequently direct them to reinstate the

petitioner in the service.

For Petitioner : Mr.V.M.Ramakannan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader for R1

Mr.V.Jayaprakash Narayanan
Special Government Pleader for R2

Mr.A. Sri Jayaganesh
Special Government Pleader for R3

ORDER

The order of suspension is under challenge in this writ petition. The writ petitioner, who was holding the post of manager, in Vaniambadi Municipality was placed under suspension vide proceedings, dated 20.07.2016. The learned counsel appearing for the writ petitioner strenuously contended that the writ petitioner is an innocent person and he is in no way connected with the official irregularities alleged to have been committed in the Municipal Administration.

2.The learned Government pleader appearing on behalf of the respondent No.1, pleaded that a criminal case was also registered in against the writ petitioner, in which the writ petitioner is arrayed as

accused (A3). The writ petitioner filed Crl.O.P.No.24428 of 2015 for quashing of the FIR and the same was dismissed on 14.10.2016, by this Court.

3. The learned counsel for the petitioner contended that, thereafter the order of suspension was issued. On a perusal of the typed set of papers filed along with the writ petition the charge memo itself was issued to the writ petitioner, on 29.10.2014 and the writ petitioner submitted his explanations, denying the charges. Thus it is for the disciplinary authorities to proceed with the domestic inquiry and conclude the disciplinary proceedings. However, disciplinary proceedings initiated has to be conducted and concluded within a reasonable period of time.

4. The authorities competent are to be vigilant in concluding the enquiry so as to avoid hardship both to the delinquent as well as to the department in general. If any delay caused on account of the authorities, the authorities have to be questioned in this regard.

5.As far as the order of suspension is concerned, the charge memo already issued was served to the writ petitioner and, the writ petitioner also submitted his explanation. Thus, the writ petitioner has

to participate

S.M.SUBRAMANIAM,J

kas/smn

in the process of enquiry and prove his innocence before the enquiry officer appointed in this regard. The suspension is not a punishment and on perusal of the allegations raised against the writ petitioner, this Court is of the view that no interference is required in respect of the order of suspension issued against the writ petitioner on 20.07.2016. Thus, no further consideration in respect of the order of suspension is required.

6. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

19.07.2017

smn/kas

Index:Yes/No

Internet:Yes/No

To.

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