

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :28.11.2017  
CORAM  
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
W.P.No.29522 of 2010

M.Sakthivel

..

Petitioner

vs

1.The President,  
Panapakkam Panchayath  
Thirukovilur (TK)  
Villupuram District.

2.The Block Development Officer,  
Union Office,  
Thiruvenni Nallur.

3.The Assistant Director (Panchayath)  
Villupuram.

4.The District Collector,  
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to revoke the suspension order dated 05.03.2007 immediately and consequently pay the amount due to the petitioner.

For Petitioner :Mr.V.Bhiman  
For Respondents :Mr.R.Vijayakumar,  
AGP for R1,R3 & R4

ORDER

The order of suspension issued against the writ petitioner in proceeding dated 05.03.2007 is under challenge in this writ petition.

2. The learned counsel appearing for the petitioner states that on the basis of resolution passed by the 1<sup>st</sup> respondent, the writ petitioner was placed under suspension in proceedings dated 05.03.2007 and further states that a criminal case was registered against the writ petitioner in Crime No.521 of 2006 and subsequently, the judgment was delivered on 14.06.2013, passing an order of acquittal in respect of the writ petitioner. Even after the disposal of the criminal case, no action has been

taken for reinstating the petitioner. Further it is informed to this Court that no disciplinary proceedings was initiated against the writ petitioner consequent to the order of suspension. In other words, no charge memo was issued to the writ petitioner in continuance of the order of suspension. This being the fact, the learned counsel is of the view that prolonged suspension of about 10 years is bad in law.

3. The learned Additional Government pleader appearing for the respondents states that the writ petitioner was placed under suspension on account of the registration of criminal case and therefore, the respondents are free to proceed with the disciplinary proceedings even after the criminal case ended with an order of acquittal on 14.06.2013. It is represented that the mere acquittal in a criminal case is not a ground for exonerating the employees from the departmental disciplinary proceedings.

4. This Court is of the opinion that the writ petitioner was placed under suspension on 05.03.2007 and for the past more than 10 years, he is in continuous suspension, even the criminal case registered against the writ petitioner ended with an order of acquittal in the year 2013. The pendency of the criminal case is not a bar for the respondents to proceed with the disciplinary proceedings. However, no action was taken by the respondents for the continuance of the disciplinary proceedings. This being the facts of the case, the respondents have committed an error in continuing the suspension for an unspecified period without any valid reason.

5. Thus, the order impugned is untenable. Accordingly, the order of suspension issued against the writ petitioner in proceedings dated 05.03.2017 is quashed and the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sk

To

1.The President,  
Panapakkam Panchayath  
Thirukovilur (TK)  
Villupuram District.

2.The Block Development Officer,  
Union Office,  
Thiruvenni Nallur.

3.The Assistant Director (Panchayath)  
Villupuram.

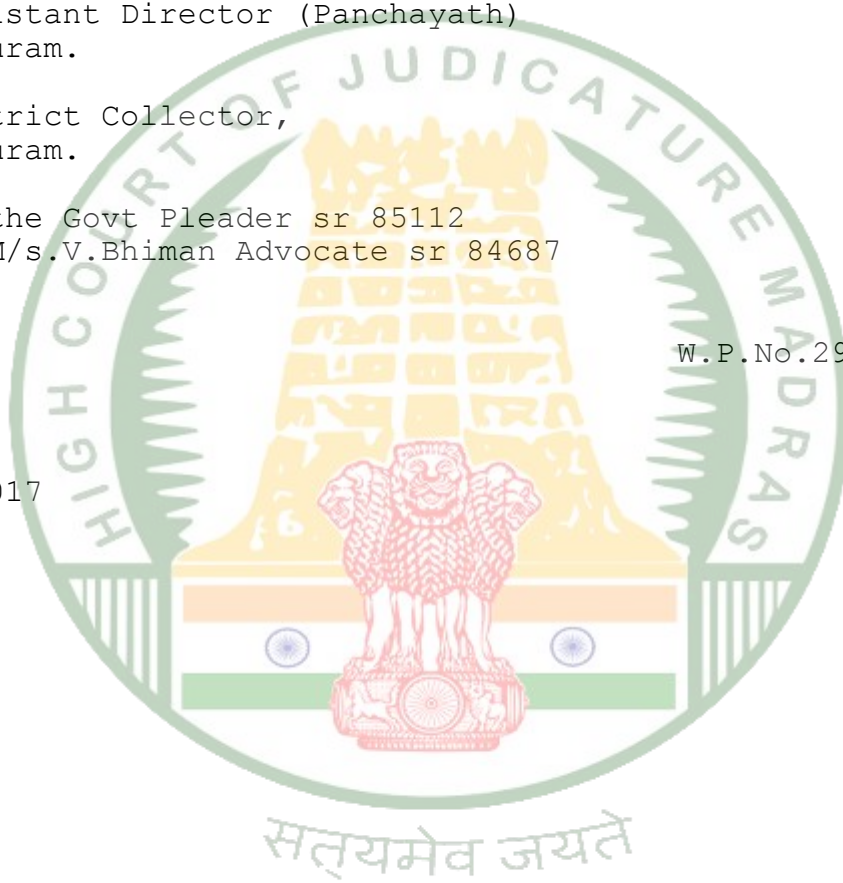
4.The District Collector,  
Villupuram.

+1 cc to the Govt Pleader sr 85112

+1 cc to M/s.V.Bhiman Advocate sr 84687

W.P.No.29522 of 2010

ss(co)  
aa20/12/2017



WEB COPY