



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.15962 of 2017

and

W.M.P. (MD) No.12614 of 2017

Arumuga Nainar

... Petitioner

Vs.

Joint Commissioner / Executive Officer,
Suchindram,
Kanyakumari District Temples,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in the impugned order in Se.Mu.Na.Ka.No.1358/2017/D2 dated 24.07.2017 passed by the respondent and quash the same and consequently direct the respondent to treat the period of suspension i.e., from 24.07.2017 till the date of resuming duty as the period of service and pay the service and its attended benefits.

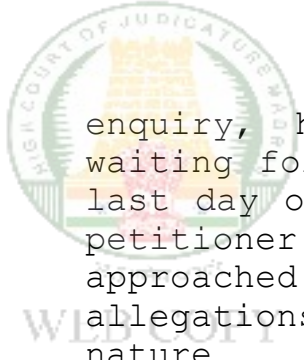
For Petitioner : Mr.V.Ramakrishnan
For Respondent : Mr.M.Saravanan

O R D E R

By consent of both sides, the writ petition itself is taken up for final disposal.

2.This Writ Petition is directed against the impugned order in Se.Mu.Na.Ka.No.1358/2017/D2 dated 24.07.2017 passed by the Joint Commissioner / Executive Officer, Suchindram, Kanyakumari District Temples and to quash the same with consequential direction to the respondent to treat the period of suspension i.e., from 24.07.2017 till the date of resuming duty as the period on service and pay the service and its attended benefits.

3.Absolutely, such prayer is wholly misconceived. The reason is that the petitioner is facing an enquiry and during the



enquiry, he has been placed under suspension. Without even waiting for the days to find the light of the enquiry namely, the last day of the enquiry of passing appropriate orders whether the petitioner is innocent or guilty, the petitioner should not have approached this Court seeking such a direction. Secondly, the allegations levelled against the petitioner are all serious in nature.

4.This Court for the sake of the interest of the petitioner is not inclined to dwell into the same. However, the learned counsel for the respondent submitted that the petitioner has been called upon to submit his explanations to some of the allegations. On receipt of the petitioner's explanations, which he has submitted on 03.08.2017, the respondent will look into the same. If the respondent is not satisfied with the explanations, a proper charge memo will be issued in the manner known to law, calling upon the petitioner to submit his explanations and if for any reason the explanation offered to the above mentioned allegation is not found satisfactory, proper action will be taken.

5.Further, if the respondent fails to receive satisfactory explanations, departmental proceedings will be initiated by issuing charge memo. If the respondent decides to initiate department proceedings against the petitioner, the said enquiry will be completed within a reasonable time. Therefore, this Court grants five months time to the respondent to complete the enquiry and pass appropriate orders.

6.The learned counsel for the petitioner also would submit that the petitioner has not been paid with the subsistence allowance and in reply to the said submission, the learned counsel for the respondent submitted that the petitioner's subsistence allowance will be paid and it has also been stated in the impugned order. The said statement of the learned counsel for the respondent is recorded. It is needless to mention that the respondent shall pay the subsistence allowance without any further delay.

7.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

The Joint Commissioner / Executive Officer,
Suchindram,
Kanyakumari District Temples,
Kanyakumari District.

+ 1 CC TO Mr.V.RAMAKRISHNAN, ADVOCATE IN SR No. 74402
+ 1 CC TO Mr.M.SARAVANAN, ADVOCATE IN SR No. 74732

MR/MRN

TE/KK/SAR-II : 20/10/2017 : 3P/4C

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