

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 09.01.2017****CORAM****THE HON'BLE MR.JUSTICE S.VAIDYANATHAN****W.P. (MD) No.341 of 2017****and****W.M.P (MD) No.243 of 2017**

Gurusamy

.. Petitioner

Vs.

1.The District Elementary Educational Officer (i/c)
Virudhunagar.

2.The Additional Elementary Educational Officer,
Kariapatti,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to reinstate the Petitioner forthwith in service as secondary grade teacher, pending departmental proceedings in connection with suspension order in R.C.No.1638/B3/2016, dated 4.5.2016.

For Petitioner : M/s.K.Balasubramanian

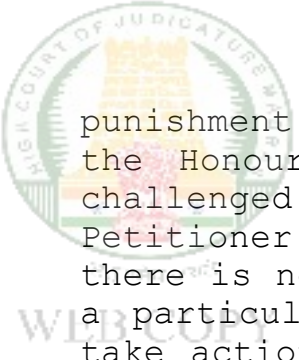
For Respondents : Mr.M.Rajarajan, Govt.Advocate

O R D E R

This Writ Petition has been filed, for issuance of a writ of Mandamus, directing the respondents to reinstate the Petitioner forthwith in service as secondary grade teacher, pending departmental proceedings in connection with suspension order in R.C.No.1638/B3/2016, dated 4.5.2016.

2.Heard the learned counsel for the Petitioner and Mr.M.Rajarajan, learned Government Advocate, appearing for the respondents. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3.The Petitioner has come forward with this Writ Petition seeking to reinstate him in service, pending disposal of departmental proceedings. Admittedly, the Petitioner was suspended from service on 4.5.2016. Further the order of suspension is not a



punishment as held in various decisions of this Court as well as the Honourable Apex Court. That apart, the Petitioner has not challenged the suspension order passed against him. The Petitioner would further submit that he was out of employment and there is no progress in the departmental proceedings/enquiry. When a particular person is under suspension, the respondents should take action as contemplated to conclude the enquiry proceedings. The Petitioner has also to face criminal proceedings. Pendency of criminal proceedings is not a bar for the department to proceed with the departmental enquiry. Hence this Court, while dismissing the Writ Petition, expect the respondents to commence the departmental proceedings, if not already started and complete the same, on day-to-day basis without adjourning the matter more than for seven days at any point of time and bring the matter to a logical conclusion, de-hors the pendency of criminal proceedings. The Petitioner is also expected to co-operate with the Enquiry Officer in the departmental enquiry. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

vsn

To:

1.The District Elementary Educational Officer(i/c)
Virudhunagar.

2.The Additional Elementary Educational Officer,
Kariapatti,
Virudhunagar District.

+1CC to Mr.K.Balasubramanian, Advocate Sr.No.1995

+1CC to Spl.Government Pleader Sr.No.1800

GJM/MP/VR/31.1.17-2p-5C

W.P. (MD) No.341 of 2017

and

W.M.P (MD) No.243 of 2017

09.01.2017