



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) .No.1503 of 2011

and

M.P. (MD) .No.2 of 2011

S.Mangalam

... Appellant/Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by Secretary to Government,
Social Welfare Department,
Fort. St. George, Chennai- 600 104.

2. The State Project Coordinator,
World Bank aided Child
Welfare Department Scheme,
3rd Project, Tharamani,
Chennai - 600 113.

3. The District Collector,
Pudukkottai District,
Pudukkottai.

4. The Project Officer,
District Committee,
Child Welfare Coordination
Scheme,
Pudukkottai.

5. The Project Officer,
Child Welfare Development Scheme,
Manamelgudi Taluk and Post,
Pudukkottai District.

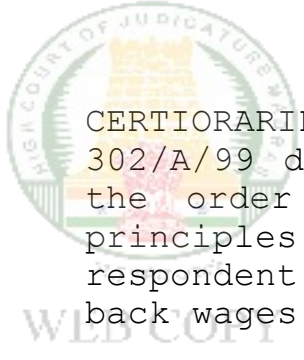
... Respondents/Respondents

PRAYER : This Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD).No.4388 of 2010 dated 08.09.2011 and allow the writ appeal.

Prayer in WP(MD). 4388/ 2010 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF



CERTIORARIFIED MANDAMUS, calling for the order in Na.Ka.No. 302/A/99 dated 28.06.1999 passed by the 5th respondent and quash the order of suspension as illegal, improper and against the principles of Natural Justice and thereby direct the 5th respondent to re-instate the petitioner into the service with all back wages from 28.06.1999.

For Appellant : Mr.M.S.Sureshkumar

For Respondents : Mr.T.S.Mohammed Mohideen,AGP

JUDGMENT

[Judgment of the Court was delivered by **G.R. SWAMINATHAN, J.**]

The unsuccessful writ petitioner has filed this writ appeal questioning the order dated 08.09.2011 made in WP(MD).No.4388 of 2010.

2.In the writ petition, the order of suspension dated 28.06.1999 was questioned. A specific finding was given that the writ petition was filed after the writ petitioner was removed from service. There can be challenge to an order of suspension only when the writ petitioner is still in service. Once the employee is terminated from service, there cannot be a challenge to the order of suspension as the same merges with the final order of removal from service. The writ petition was clearly not maintainable and therefore was rightly dismissed.

3.The learned counsel appearing for the appellant fairly submitted that he had independently challenged the removal order by filing a separate writ petition. It is for the appellant to pursue his remedies in the said writ petition. Dismissal of this writ appeal will not have any bearing on the said writ petition which will have to be decided independently.

4.The writ appeal is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
 Secretariat, Welfare Department,
 Fort. St. George, Chennai- 600 104.



2. The State Project Coordinator,
World Bank aided Child
Welfare Department Scheme,
3rd Project, Tharamani,
Chennai - 600 113.

3. The District Collector,
Pudukkottai District,
Pudukkottai.

4. The Project Officer,
District Committee,
Child Welfare Coordination
Scheme,
Pudukkottai.

5. The Project Officer,
Child Welfare Development Scheme,
Manamelgudi Taluk and Post,
Pudukkottai District.

+1 cc to The Special Government Pleader in SR.No.69001

Skm/Arul

AE/KK/SAR4/09.08.2017/3P/7C

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