



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.07.2017

WEB COPY

CORAM :

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

W.A(MD)No.1527 of 2011
and
M.P(MD).No.1 of 2011 and 1 of 2012

D.Amutha Emily bai

... Appellant

Vs.

1.The Director of Treasuries and Accounts,
Chennai.

2.Treasury Officer,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 30.09.2011 passed by the learned Single Judge in WP(MD).No.11370 of 2011 and allow the writ petition as prayed for.

Prayer in WP(MD). 11370/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court pleased to issue a Writ of Certiorari, calling for the records to the order of suspension passed by the 2nd respondent in his proceedings Proc.Rc.12815/2010/C1 dated 09.05.2011 and quash the same as illegal .

For Appellant : Mr.H.Mohammed Imran for
Mr.Ajmal Khan

For Respondents : Mr.T.S.Md.Mohideen
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was made by G.R.SWAMINATHAN, J.)

The appellant herein questions the order dated 30.09.2011 dismissing WP(MD).No.11370 of 2011.

2.The appellant herein was served with a charge memo dated 31.12.2010 contending allegations regarding misappropriation of Government money and preparation of bogus records. A criminal case was also registered. Though the name of the writ petitioner was not shown in the F.I.R, the second respondent therefore suspended the writ petitioner by order dated 09.05.2011. This order of suspension came to be challenged in the aforesaid writ petition. The learned Judge dismissed the writ petition stating that the charges levelled against the writ petition are very serious and that therefore no interference was called for. Aggrieved by the same, this writ appeal has been filed.

3.The learned counsel appearing for the appellant is not in a position to make any submission regarding the subsequent developments. We therefore have to approach the matter only with reference to the materials on record. We concur with the reasoning of the learned single Judge. Where serious allegations of misappropriation and fabrication of records are made and disciplinary action has initiated against the Government servant concerned, it is obsoletely imperative to keep the delinquent under suspension. The authority has rightly done so and the writ petition was rightly dismissed. We find no merit in this writ appeal. The writ appeal is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub-Assistant Registrar

+One cc to M/s.Ajmal Associates, Advocate, SR.No.69086
skm/Arul
RL/2C/2P/SV/MMS/SAR1/12/9/2017

W.A(MD)No.1527 of 2011

and

M.P(MD) .No.1 of 2011 and 1 of 2012