

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15768 of 2013

M.P.No.1 of 2013

A.Arockiadoss

... Petitioner

- vs -

1. The Secretary,
Government of India,
Ministry to Human Resources Development Department,
Shastri Bhawan, New Delhi - 110 001.
2. The Registrar,
Central Institute of Classical Tamil,
IRT Campus, 100 Ft. Road,
Taramani, Chennai - 113.
3. Dr.M.Muthuvelu,
Registrar,
Central Institute of Classical Tamil,
IRT Campus, 100 Ft. Road,
Taramani, Chennai - 113. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in impugned memo in F.No.11-264/CICT/2013-14/Admin/Disp. Dated 24.05.2013 issued by the 2nd respondent herein and quash the same.

For Petitioner : Mr.N.J.R.Prasad
for M/s.T.Sundaravadanam

For Respondents : Mr.N.Ramesh
Central Government Standing
Counsel for R1
Karthik Mukundam for R2 & R3

O R D E R

The order dated 24.05.2013 issued by the second respondent is under challenge in this writ petition.

2. The writ petitioner was engaged as Junior Resource Person in Central Institute of Classical Tamil and he was continuing as a contractual employee.

3. The learned counsel for the respondents states that the continuance of the writ petitioner in service was kept in abeyance on account of certain serious allegations brought to the notice of the competent authorities. In other words, the writ petitioner had involved in certain irregularities and illegalities and actions were taken to conduct an enquiry and cull out the truth regarding the allegations. The interim order passed by the Registrar to keep the writ petitioner service in abeyance temporarily is under challenge in the present writ petition.

4. This Court is of an opinion that the interim suspension of a contractual employee issued in proceedings dated 24.05.2013 is kept pending for the past 5 years and the disciplinary authorities are unable to proceed with the disciplinary proceedings and conclude the same.

5. It is pertinent to note that admittedly the writ petitioner was engaged as a contract employee in the post of senior resource persons. It is an admitted fact that the writ petitioner's services was kept in abeyance, on account of certain serious allegations, in spite of the allowing the authorities to proceed with the enquiry and conclude the same. The writ petitioner has chosen to file the writ petition and stalled the entire proceedings and stalled the entire proceedings.

6. This Court is of an opinion that the writ petitioner being a contractual employee has no right to continue in services and the interim suspension passed by respondents is in accordance with law. The interim suspension was issued enabling the authorities to proceed with the enquiry. Thus, this Court do not find fault with the order and the writ petitioner being the contractual employee is liable to participate in the enquiry proceedings by availing an opportunities to be provided by the competent authorities for the purpose of establishing his innocence or otherwise.

7. In view of the fact that the writ petitioner is a contractual employee and kept under suspension temporarily, the respondents are directed to proceed with the disciplinary proceedings and complete the enquiry by affording reasonable opportunity to the writ petitioner and pass final orders in the disciplinary proceedings within a period of 3 months from the date of receipt of the copy of this order.

8. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pns/sk

To

1. The Secretary,
Government of India,
Ministry to Human Resources Development Department,
Shastri Bhawan, New Delhi - 110 001.
2. The Registrar,
Central Institute of Classical Tamil,
IRT Campus, 100 Ft. Road,
Taramani, Chennai - 113.
3. Dr.M.Muthuvelu,
Registrar,
Central Institute of Classical Tamil,
IRT Campus, 100 Ft. Road,
Taramani, Chennai - 113.

+1cc to Mr.T.Sundaravadanam, Advocate Sr.74932
+1cc to Mr.N.Ramesh, Advocate Sr.74952
+1cc to Mr.Karthik, Mukundan, Advocate Sr.75385

W.P.No.15768 of 2013
M.P.No.1 of 2013

WEB COPY

ks[co]
srg 30/11/2018