

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1464 of 2017
and C.M.P.No.19473 of 2017

S.K.Gurusamy ...Appellant/Petitioner
Vs

The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035. ...Respondent/Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.23454 of 2017 dated 31.08.2017.

WP.NO.23454/2017:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings in Memo No.DC-6/13440/2016-1 dated 09.01.2017 of the respondents and quash the same

For Appellant : Mr.S.Subbiah, Senior Counsel
for Mr.W.M.Abdul Majeed

For Respondent : Mr.V.Anandhamurthy
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant was suspended from service pending initiation of disciplinary proceedings. The order dated 09 January, 2017 suspending the appellant from service was challenged in the writ petition in W.P.No.23454 of 2017.

2. The learned Single Judge taking into account the serious allegations levelled against the appellant, dismissed the writ petition. The order is under challenge in this intra court appeal.

3. The learned Senior Counsel for the appellant contended that even though the appellant was suspended on 09 January, 2017, the fact remains that till today, charge memo is not issued. According to the learned Senior Counsel, there is no provision for revoking the suspension under the Regulations framed by the Tamil Nadu Housing Board and as such, the appellant was justified in filing the writ petition for quashing the order of suspension.

4. The learned Standing Counsel for the Tamil Nadu Housing Board by producing a copy of the charge memo dated 12 February, 2018 submitted that the respondent has already issued the charge memo to the appellant. According to the learned Standing Counsel, enquiry would be conducted in accordance with the Regulations and the same would be finalised as expeditiously as possible.

5. The appellant was suspended pending initiation of disciplinary proceedings. The charge memo dated 12 February, 2018 indicates that definite charges have been framed against the appellant by the Tamil Nadu Housing Board. The Board would take a decision for appointing Enquiry Officer after receiving the explanation from the appellant. We are, therefore, of the view that the learned Single Judge was correct in dismissing the writ petition.

6. We direct the Tamil Nadu Housing Board to take steps for completion of enquiry as expeditiously as possible.

The intra court appeal is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gms
To

The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai 600 035.

+ 1 cc to Mr.V.Anandhamurthy Advocate,SR.
+ 1 cc to Mr.W.M.Abdul Majeed Advocate,SR.

W.A.No.1464 of 2017

nr 14/03/2018