

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.3858 of 2018
and
W.M.P.Nos.4739 and 4740 of 2018

K. Silambarasan

...Petitioner

Vs.

1. The Director
Medical and Rural Health Services,
DMS Compound, Chennai - 600 006.
2. The Joint Director,
Medical Rural Health Services,
Vellore, Vellore District.
3. The Medical Officer,
Government Hospital,
Vaniambadi Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records relating to the second respondent order made in Ref. No.6051/SC/2017, dated 29.08.2017, and to quash the same.

For Petitioner : Mr.L.Chandrakumar
For Respondents : M/s.Thanga Vadhana Balakrishnan
Additional Government Pleader

O R D E R

Heard Mr.L.Chandrakumar, the learned counsel appearing for the petitioner and M/s.Thanga Vadhana Balakrishnan, the learned Additional Government Pleader appearing on behalf of the respondents.

2. The grievance of the petitioner, in this Writ Petition is that, though he was put under suspension for his involvement in a criminal case by the second respondent, but the same is indeterminative one and without any reasons, and as such, he has come to this Court seeking a writ of certiorari quashing the same, inasmuch as, the same is illegal and arbitrary.

3. The learned counsel appearing for the petitioner would submit that the petitioner has already filed a representation to the second respondent to review/revoke such order of suspension, and as such, the second respondent may be directed to consider such representation within a stipulated period and the dues with regard to the subsistence allowance may be paid to him.

4. No counter affidavit has been filed, inspite of opportunity being given. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner, being involved in a criminal case, and it being a prerogative of the respondents as far as Service (Discipline and Appeal) Rules is concerned to put him under suspension, in such cases, this Court should be loathe in interfering with the order of suspension. However, it is submitted that, if the petitioner has not been paid any subsistence allowance, the respondents shall consider release of the same, provided, he is entitled to the same in accordance with law.

5. Considering the aforesaid facts and the submissions made, this Court disposes of this Writ Petition even in the absence of counter affidavit, but taking note of the submissions made by the learned Additional Government Pleader for the respondents with a direction to the second respondent to take an informed and considered decision on the representation of the petitioner made with regard to revocation of the order of suspension in accordance law, within a period of four weeks from the date of receipt of a copy of this order. So far as subsistence allowance is concerned, it goes without saying that the petitioner is entitled to the same in the scale as permissible in the eye of law. Therefore, this Court while disposing of this Writ Petition with the aforesaid direction, directs the respondents that, if the subsistence allowance has not been paid so far, the same shall be paid to the petitioner forthwith, if there is no legal impediment in this regard. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(cS II)

//True Copy//

Sub Assistant Registrar

To

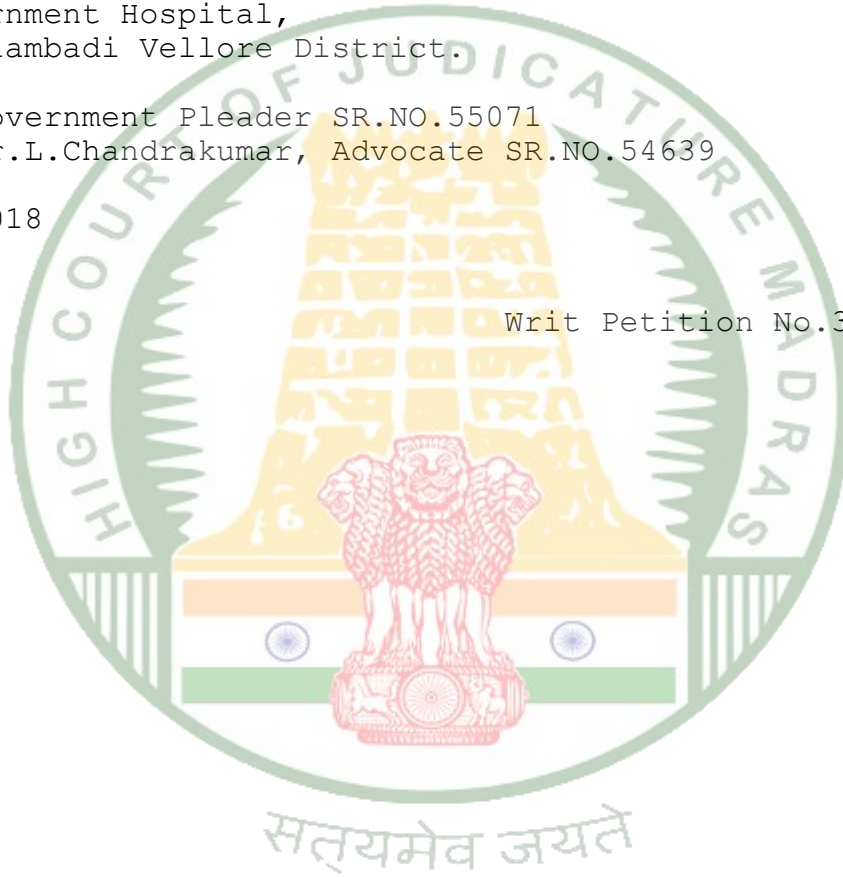
1. The Director
Medical and Rural Health Service,
DMS Compound, Chennai - 600 006.
2. The Joint Director,
Medical Rural Health Services,
Vellore, Vellore District.
3. The Medical Officer,
Government Hospital,
Vaniambadi Vellore District.

+1cc to Government Pleader SR.NO.55071

+1cc to Mr.L.Chandrakumar, Advocate SR.NO.54639

sm:16.8.2018

Writ Petition No.3858 of 2018



WEB COPY