

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :31.10.2018  
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
W.P.No.4761 of 2013  
in  
M.P.No.2 of 2013

V.Ramu

...Petitioner

Vs

1.The District Collector  
Kancheepuram District, Kancheepuram.

2.The Assistant Director of  
Village Panchayat, Kancheepuram District,  
Kancheepuram

3.The Block Development Officer  
Uthiramerur Panchayat Union,  
Uthiramerur Taluk,  
kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of impugned order Na.Ka.No.4137/ 2011/a3 dated 12.09.2012 passed by the 2nd respondent and quash the same and direct the respondents to reinstate the petitioner with all backwages and benefits.

For Petitioner : Mr.A.Sumathy

For Respondents : Mr.R.S.Selvam, Government Advocate  
for R1 & R2

Mr.R.Govindasamy for R3

O R D E R

The order of rejection dated 12.09.2012 issued by the Assistant Director of Village Panchayat to revoke the order of suspension of the writ petitioner is under challenge in this writ petition.

2. The writ petitioner was employed as a Secretary of the Madhur Panchayat and during the year 2011, the elected President had taken charge of the Panchayat. The Elected President threatened the writ petitioner by stating that he should work in accordance with the instructions provided by the President. The elected president administered the writ petitioner to maintain the accounts, as per his own instructions and the petitioner refused to do so. Thus, the President had taken over all the

accounts books, Cash Registers and cheque books available with the writ petitioner in his capacity as Secretary of Panchayat.

3. The allegation against the President was that the President has misappropriated the funds of the Panchayat to the tune of Rs.25,00,000/-. Under these circumstances, the petitioner was placed under suspension by the 3<sup>rd</sup> respondent. At the first instance of the President, an order of suspension was issued on 23.05.2012 and the writ petitioner made a request with the Assistant Director of Panchayat to revoke the order of suspension. However, the said request was also rejected. The writ petitioner is in continuous suspension for about six years.

4. The learned Government Advocate appearing for the respondents made a submission that the District Collector, Kancheepuram has already issued a direction to the Block Development Officer, Uthiramerur to take necessary action for revocation of the suspension and provide repost to the writ petitioner other than Madhur Panchayat.

5. The instructions given by the Collector has not been implemented as of now. This Court is of an opinion that after initiation of the disciplinary proceedings against the employees, the competent disciplinary authority is bound to complete the enquiry and pass final orders within a reasonable period of time. Prolonged suspension is bad in law. Employees cannot be kept under suspension for an unspecified period without concluding the disciplinary proceedings. Payment of subsistence allowance for a long duration without extracting works and without concluding the disciplinary proceedings will cause financial loss to the State Exchequer. Thus, the prolonged suspension are to be avoided by the disciplinary authority. Even in case of pendency of the disciplinary proceedings for long duration, the employee shall be reinstated into service and he may be accommodated in anyone of the non sensitive post till the completion of the disciplinary proceedings. Contrarily, keeping the employee under suspension for long period and paying subsistence allowance is not preferable. In the present case on hand, the writ petitioner is under continuous suspension for about six years.

6. The learned counsel appearing for the petitioner states that the subsistence allowance has not been paid properly. Further, the District Collector, Kancheepuram District also instructs the Block Development Officer to take action for revocation of suspension. In spite of all, no action has been taken. This being the factum of the case, following directions are issued:

7. The respondents are directed to revoke the order of suspension of the writ petitioner and post him in any other non

sensitive post, pending disposal of the disciplinary proceedings.

8. The respondents are directed to complete the disciplinary proceedings within a reasonable period of time and pass final order within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sk/pns

To

- 1.The District Collector  
Kancheepuram District, Kancheepuram.
- 2.The Assistant Director of  
Village Panchayat, Kancheepuram District,  
Kancheepuram
- 3.The Block Development Office  
Uthiramerur Panchayat Union,  
Uthiramerur Taluk, kancheepuram District.

+1cc to Mr.A.Sumathy, Advocate, S.R.No.75085

+1cc to Mr.R.Govindasamy, Advocate, S.R.No.75097

+1cc to the Government Pleader, S.R.No.75260

सत्यमेव जयते

W.P.No.4761 of 2013

SKV (CO)

rrs 22/11/2018

WEB COPY