

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22957 of 2018 and
W.M.P.No.26854 of 2018

M.Vasantha

....Petitioner

Vs

The Dean,
Government Mohan Kumaramangalam,
Medical College Hospital,
Salem - 1

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records on the file of the respondent in Ref.No.6473/E9/2018 dated 04.05.2018 and quash the same.

For Petitioner : Mr.D.Bharathy

For Respondent : Mrs.P.Kavitha,
Government Advocate

ORDER

Challenging the order of suspension passed vide Ref.No.6473/E9/2018 dated 04.05.2018 by the respondent suspending the petitioner from service, the petitioner has come to this Court by filing this writ petition for quashment of such order of suspension and reinstate him into service.

2. As it appears the petitioner was suspended in view of his indictment in a criminal case registered under the Prevention of Corruption Act by the CBI. The petitioner stated that his indictment in the aforesaid criminal case is without any substance and as such, the order of suspension being without foundation, is liable to be quashed.

3. The learned counsel appearing for the petitioner, submits that the petitioner's indictment in the aforesaid case is without any substance and based on concocted allegations. Therefore, the suspension order cannot be sustained and liable to be quashed.

4. However, the learned counsel appearing for the respondent, submits that since the charge sheet in the aforesaid case has been filed and the charges against the petitioner are serious, in the public interest he has been put under suspension. The relevant rules empower the respondent to put the petitioner under suspension. Therefore, the same cannot be questioned on the ground that the charge sheet filed in the criminal case, wherein the petitioner is an accused, being baseless, the order of suspension could not have been passed.

5. After hearing the learned counsel appearing for the parties and also going through the materials on record, it appears to this Court that the petitioner has been indicted in the said criminal case by the CBI for alleged commission of offence under Prevention of Corruption Act and the charge sheet in the said case has been filed. Thereafter, the petitioner has been put under suspension in the public interest. The relevant rules empower the respondent to pass such order pending disposal of the criminal prosecution and as such the same cannot be questioned on the ground that since the indictment in the criminal case is without any substance, the order of suspension is bad. The same is no way germane to examine the correctness of the suspension order. Therefore, when the petitioner being indicted in the criminal case has been put under suspension which is permissible under law, the writ petition filed to quash the order of suspension on the ground stated is devoid of merit and accordingly, the same stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To
The Dean,
Government Mohan Kumaramangalam,
Medical College Hospital,
Salem - 1

+1cc to Government Pleader sr.73943
+1cc to Mr.D.Bharathy, Advocate sr.no.72821

W.P.No.22957 of 2018

nr 26/11/2018