

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.21180 of 2007
M.P.Nos.1 & 2 of 2007

P.Sarkunaraj, Watchman
(Under Suspension)
residing at No.186-C,
A.C.Nagar, Kovai Road,
Kangayam.

... Petitioner

Vs

Special Commissioner and Transport
Commissioner, Chepauk,
Chennai-600 005.

... Respondent

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records, leading to the issue of proceedings bearing R.No.56476/V5/2005 dated 01.09.2005 on the file of the respondent herein and quash the same and direct the respondent to review and revoke the suspension of the petitioner from service and reinstate the petitioner back to service.

For Petitioner : Mr.K.Sridhar
For Respondents: Mr.K.Ravikumar,
Additional Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has come up with the present writ petition challenging the order of suspension passed by the respondent dated 01.09.2005, in and by which, the petitioner was placed under suspension, with a further prayer to review and revoke the order of suspension and to reinstate him into the service.

2 The petitioner was appointed as a Watchman in the Kangayam Unit, Regional Transport Office, Erode District and while he was discharging his duties as such, a case came to be registered against the petitioner along with two others in Cr.No.13/AC/05/ER on 29.08.2005 on the basis of the complaint lodged by one Tr.Senthilkumar, on the allegation that he and two others had demanded bribe for registration of the vehicle on 29.08.2005, based on which a case came to be registered against the petitioner and two others on 29.08.2005. On 01.09.2005, he was placed under suspension citing pendency of

the criminal case. Challenging the said suspension order dated 01.09.2005, the present writ petition is filed by the petitioner herein.

3 The learned counsel for the petitioner would submit that though the order of suspension came to be passed on 01.09.2005, till date no progress is made in the said disciplinary proceedings since 12 years had lapsed from the date of passing of the said suspension order and prays for interference. It is further submitted that as per G.O.Ms.No.40, Personnel and Administrative Reforms [N] Department, dated 30.01.1996, the order of suspension is to be reviewed once in six months and in the instant case, till date the same has not been done and the petitioner is placed under prolonged suspension without any rhyme or reason.

4 Heard the submissions of the learned Additional Government Pleader appearing for the respondent and perused the materials placed before it.

5 A perusal of the materials would disclose that the writ petition is filed in the year 2007 and nearly 11 years had lapsed and after a lapse of such long years. Considering the counsel for petitioner arguments, this Court is of the view that the disciplinary authority has to conclude the disciplinary proceedings as early as possible within a period of six months if the proceedings not concluded in the said period, the petitioner shall be reinstated in service in the non-sensitive post for the purpose of extracting work.

6 With the above observation, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

To

Special Commissioner and Transport
Commissioner, Chepauk,
Chennai-600 005.

+1cc to Mr.K.SRIDHAR, Advocate SR.No.46221

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CNR (CO)
SMI/21.08.2018

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