

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23735 of 2013

and

M.P.No.2 of 2013 & M.P.No.1 of 2014

Syed Abdul Kadhar K.S.,

..Petitioner

Vs

The Management
Tamil Nadu Civil Supplies Corporation Limited,
Head Office,
Rep. By its General Manager (Admin.,)
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

.. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the records of the respondent made in Proc. AD5/12387/2011 dated 15.02.2011 and quash the same and consequently direct the respondent to grant an employment to the petitioner along with full backwages, attendant benefits and continuity of service with accrued monetary benefits.

For Petitioner : M/s.R.Alvin Manoj Raj

For Respondent : Mr.L.P.Shanmugasundram
Special Government Pleader
(Co-operatives)

O R D E R

The order of suspension dated 15.02.2011 issued by the respondent is under challenge in this writ petition.

2.The writ petitioner was placed under suspension on account of the fact that a criminal case was registered against him under Section 304(B) of Indian Penal Code. However, this Court granted an interim order and pursuant to the interim order, the writ petitioner was reinstated in service and now serving.

3.Further, it is brought to the notice of this Court that

the criminal case registered against the writ petitioner is still pending and yet to be disposed of. Under these circumstances, it is not necessary to continue the suspension order in view of the fact that the criminal case is pending and the departmental disciplinary proceedings are not proceeded with by framing the charges. Probably, the department is waiting for the final outcome of the criminal case and thereafter, frame charges against the writ petitioner, if there is an adverse order against the writ petitioner by the criminal Court of Law. Under these circumstances, once again keeping the writ petitioner under suspension is unnecessary, contrarily, the petitioner shall be posted in the non sensitive post till the pendency of the criminal case and further proceedings shall be initiated subject to the final orders to be passed by the Criminal Court in the criminal proceedings.

4. In this view of the matter, the impugned suspension order issued by the respondent in proceedings Proc. AD5/12387/2011 dated 15.02.2011 is quashed and the respondents are at liberty to continue the departmental disciplinary proceedings, subject to the final orders to be passed by the Criminal Court in the criminal case registered against the writ petitioner.

5. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Management
Tamil Nadu Civil Supplies Corporation Limited,
Head Office,
Rep. By its General Manager (Admin.,)
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.44500
+1cc to Mr.S.R.Alvin Manoj Raj, Advocate, S.R.No.43772

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GSP(13/07/2018)