



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.27244 of 2018
& WMP No.31688 of 2018

T.Kumar

... Petitioner

vs

- 1 The Principal Secretary to Govt
Municipal Administration and Water Supply (ME.4) Department
Fort St.George, Chennai 600009
- 2 The Commissioner, Municipal Administration Department
Ezhilagam Chepauk Chennai 600005

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in connection with the order passed in Reference G.O. (2D)No.18 Municipal Administration and Water supply (ME-4) Department dated 7.3.2018 and quash the said proceedings and direct the First Respondent to reinstate the petitioner into service with backwages and with all attendant benefits.

For Petitioner : Mr. R.Thirugnanam
For Respondents : Mr. S.Kadhirvelu, Spl.G.P.,

O R D E R

The petitioner submitted a representation dated 22.08.2018 before the first respondent praying to revoke the order of suspension dated 07.03.2018. The suspension order came to be passed on the allegation that the petitioner demanded and received a sum of Rs.20,000/- from one T.Balaji for sanctioning a Bill for the work done by him.

2. Claiming that the suspension order is illegal in terms of the judgment passed by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary vs Union Of India Thr. its Secretary, in CIVIL APPEAL No. 1912 of 2015 (arising out of SLP No. 31761 of 2013 this writ petition is filed.



3. The learned Special Government Pleader appearing for the respondents has filed a counter affidavit and it is stated that, after investigation, the Police has filed a charge sheet before the concerned Court.

WEB COPY

4. Even though charge sheet has been filed, it is not known how much of time would be taken for the completion of trial. Keeping a person under suspension for prolonged period is not going to serve any purpose.

5. The Hon'ble Apex Court, in the case of Ajay Kumar Choudhary vs Union Of India Thr Its Secretary, in CIVIL APPEAL No. 1912 OF 2015 (Arising out of SLP No. 31761 of 2013 has held as under:-

" 8.Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the Memorandum of Charges, and eventually culminate after even longer delay."

6. Under the circumstances, this writ petition is disposed of, directing the respondents to revoke the order of suspension if need be by imposing appropriate conditions and also by posting him in any non-sensitive post. No costs. Connected M.P is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary to Govt
Municipal Administration and Water Supply (ME.4) Department
Fort St.George Chennai 600009
- 2 The Commissioner
Municipal Administration Department
Ezhilagam Chepauk Chennai 600005



+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.84210

WEB COPY

+1cc to the Government Pleader, S.R.No.84472

Writ Petition No.27244 of 2018

GSP (21/12/2018)