



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .Nos.343 and 344 of 2018

and

C.M.P. (MD) Nos.2113 and 2114 of 2018

1.The Gandigram Institute of Rural Health and
Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District-624 302.

2.The Director,
The Gandigram Institute of Rural Health and
Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District-624 302.

3.S.Seethalakshmi ... Appellants in
W.A. (MD) Nos.343 and 344 of 2018

Vs.

Boominathan ... Respondent in W.A. (MD) No.343 of 2018
K.Rajaperumal ... Respondent in W.A. (MD) No.344 of 2018

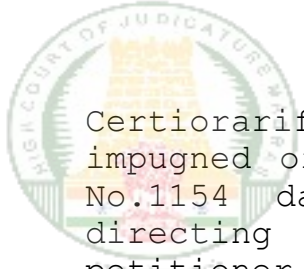
COMMON PRAYER: These appeals filed under Clause 15 of the Letters Patent, to set aside the orders dated 09.01.2018 made in W.P. (MD) Nos.6071 and 6072 of 2017.

Prayer in WP (MD). 6071/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in No.1155, dated 31.03.2017 and quash the same and consequently directing the respondents to regularize the services of the petitioner with all monetary benefits.

Prayer in WP (MD). 6072/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in No.1154 dated 31.3.2017 and quash the same and consequently directing the respondents to regularize the services of the petitioner with all monetary benefits

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For Appellants : Mr.V.Vijayshankar
For Respondent : Mr.C.Jeganathan
(in both W.A.s)

COMMON JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J)

Heard Mr.V.Vijayshankar, learned counsel appearing for the appellants and Mr.C.Jeganathan, learned counsel appearing for the respondent.

2.These appeals by the State are directed against the order made in W.P.(MD)Nos.6071 and 6072 of 2017 dated 09.01.2018. The petitions were filed, challenging the orders passed by the second appellant in proceedings dated 31.03.2017 as well as to reinstate the writ petitioner in service and regularize the period of service during which they were placed under suspension. The writ petition was allowed by the impugned order, against which the appellant institution has filed these appeals on 06.03.2018. We heard the appeals in admission and we recorded our observations as hereunder:

"We have heard the learned counsel for the appellant and the learned counsel for the respondent/writ petitioner. We prima facie, find that the Writ Court ought not to have interfered with the order of suspension passed against the employees of the institution, especially, in the light of the fact that there is sufficient power vested with the appellant to place the employee under suspension. In fact this has been so recorded by the Writ Court in Para No.9 and 10 of the impugned order, the reason for setting aside the order of suspension is on the ground that the complaint given by the third appellant before the police has now resulted in chargesheet being filed against the respondent and she is the defacto complainant in those complaints. Therefore, the Court came to the conclusion that the third appellant has judged his own case. Prima facie, such findings is incorrect because the third appellant has acted in the capacity of Director. We have heard the learned counsels for the parties for a considerable length of time. Such unpleasant situation should not prevail in the institution like that of the appellant. We shared this with the learned counsels to give suitable advice to respective clients.



3. Pursuant to the observation made by this Court, in the previous hearing as recorded by us in the order dated 06.03.2018, the learned counsel for the respondents had advised his client and they have also given a written letter dated 19.03.2018, which was addressed to the second appellant. However, we are surprised to find that the letter was sent by Registered post with acknowledgement. The respondents being employees of the appellants institution could have given the letter in person. There is a different reason given for sending it by registered post. We do not wish to go into that controversy any further. However we place on record, the letter sent by the respondents to the second appellant. These letters shall form part of the judgment passed by this Court in these appeals. Therefore, the respondents are expected to duly and faithfully comply with what they have stated in the letter dated 19.03.2018. The second appellant was willing to revoke the order of suspension passed against the respondents and reinstate them and made a request to the Court to direct the respondents not to indulge in demonstration or any other activity which will not auger well for the educational institution.

4. The learned counsel for the respondents has assured the Court that they will advice their clients accordingly.

5. In the light of the undertaking given by the respondents that they shall conduct themselves in a proper manner in the institution and shall not indulge in demonstration or agitation nor they would induce or in any manner influence others to do so, we dispose of these appeals with direction to the second appellant to revoke the order of suspension and permit the respondents to join duty. The period of suspension shall be regularised in accordance with the relevant regulation. The respondents are directed to report before the second appellant on **(*)26.03.2018** at the time when the institution starts. It is made clear that any observation made by this Court in this order, the order to be passed by the appellants revoking the order of suspension and the letter of undertaking given by the respondents will not in any manner affect the rights of both parties in the pending criminal proceedings. No Costs. Consequently, C.M.P. (MD) Nos. 2113 and 2114 of 2018 are closed.

Sd/-

Assistant Registrar (CS-III)

**(*) Amended as per order of this
Hon'ble Court dated 23.03.2018**

Sd/

Assistant Registrar

/True Copy/



To

To be Substituted order already despatched on 22.03.2018

1.The Gandigram Institute of Rural Health and
Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District-624 302.

2.The Director,
The Gandigram Institute of Rural Health and
Family Welfare Trust,
Represented by its Chairman,
Soundaram Nagar,
Gandhigram Post,
Dindigul District-624 302.

+1cc to Tr.c.Jeganathan,, Advocate SR.No. 57034
+2cc to M/S.V.Karthikeyan, Advocate SR.No. 56811, 56810
+1cc to Special Government Pleader, SR.No. 57252

W.A. (MD) .Nos.343 and 344 of 2018
21.03.2018

mrn

JM/SKN RSK/SAR 1/22.03.2018/4P/7C

KK/SKN RSK/23.03.2018/SAR-1/4P-7C