



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 6182 of 2018
and
W.M.P (MD) No. 6025 of 2018

P. Balasubramanian

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Special Officer,
Aathipatti Panchayat Council,
Aruppukkottai Panchayat Union,
Virudhunagar District.

... Respondents

PRAYER: 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 vide his proceedings in Na.Ka.Aa2/778/2017 dated 26.05.2017 quash the same.

For Petitioner	: Mr.A.Jayaramachandran
For R1	: Mrs.S.Srimathy Special Government Pleader
For R2	: Mr.Shanmugaselvam

ORDER

By consent of both parties, the writ petition is taken up for disposal at the admission stage itself.

2.Mr.Shanmuga Selvam, learned counsel takes notice for the second respondent.

3.The writ petitioner is employed as OHT Operator in the second respondent panchayat. He got involved in a criminal case. Crime No.6 of 2017 under Sections 294(b), 323, 324 and 506(ii) of IPC was registered on the file of the Aruppukkottai Police Station against the writ petitioner. He was also arrested. Therefore, he was suspended by the second respondent on 26.05.2017. The order of



suspension cannot be faulted.

4.The question is whether the petitioner should continue to be kept under suspension. It is seen that almost 10 months have lapsed, since the petitioner was placed under suspension. It is seen from the events that implication in the criminal case has nothing to do with the discharge of his work. The petitioner has given a representation dated 24.07.2017 in this regard.

5.Even though, the learned Standing Counsel appearing for the second respondent strongly opposed the prayer made in the writ petition, this Court is of the view that in the interest of justice, the second respondent can be directed to revoke the order of suspension and reinstate the petitioner in service forthwith. The said order shall be passed within period of two weeks from the date of receipt of a copy of this order. This Court, while upholding the order of suspension, directs the second respondent only to reinstate the writ petitioner. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Special Officer,
Aathipatti Panchayat Council,
Aruppukkottai Panchayat Union,
Virudhunagar District.

- + 1 CC TO Mr.A.JAYARAMACHANDRAN, ADVOCATE IN SR No. 57410
- + 1 CC TO Mr.N.SHANMUGASELVAM, ADVOCATE IN SR No. 57481
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 57931

RMI

TE/RSK/SAR-4 : 03/05/2018 : 2P/6C

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