



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
W.P.(MD) No.12860 of 2018

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P.Sudalai

... Petitioner

-vs-

The Executive Officer,
Thervunilai Town Panchayat
Panangudi
Tirunelveli District 627109

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondent to revoke the order of suspension dated 03.06.2015 on completion of three months period in the light of the Government letter dated 23.07.2015.

For Petitioner Mr.N.Mohideen Basha

For Respondents: Mr.D.Muruganandham

Additional Government Pleader

O R D E R

The prayer in the writ petition is for a Writ of Mandamus to direct the respondent to revoke the order of suspension dated 03.06.2015 on completion of three months period in the light of the Government letter dated 23.07.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent.

3. The petitioner was working as Sanitary Worker at the respondent Town Panchayat. While so, on complaint, he was arrested and remanded to judicial custody for the alleged offences punishable under Sections 466, 468, 471, 473, 474, 476, 420, 120(b) and 419 of IPC. Since he was arrested on 27.05.2015 and based on which, by proceedings dated 03.06.2015, the petitioner had been placed under suspension and since then, he has been under suspension only.

4. It is the grievance of the petitioner that, though he was suspended three years back, no progress has been shown; no disciplinary proceeding has been initiated and such prolonged suspension, since has not been revoked all along, the petitioner has approached this Court with the present writ petition with the aforesaid prayer.

5. I have heard the learned Additional Government Pleader for the respondent, who would submit that the petitioner allegedly produced a fake identity card, as if he is a physically challenged person, accordingly, insofar as the criminal case is concerned, he was arrested and the criminal case investigation is going on. But,



on the side of the administrative action, charges have been framed against him and the charge memo dated 13.07.2015 had been served on the petitioner, pursuant to which, an Enquiry Officer has also been appointed, before whom, the petitioner appeared. However, the said enquiry is yet to be completed and is still pending.

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6. Since disciplinary proceeding already has been initiated by issuance of charge memo and pursuant to which, enquiry was also contemplated, where, the petitioner appeared before the Enquiry Officer, the petitioner cannot now make a plea that there was no initiation of disciplinary proceedings and therefore, on that ground, prolonged suspension can be revoked.

7. At any rate, since disciplinary proceeding has already been initiated, but is yet to be over, as no final order to that effect has been passed against the petitioner, to meet the ends of justice, this Court is of the view that a time bound direction can be given to the respondent to complete the enquiry, if it is not completed or if it is already completed, after affording opportunity by way of second show cause notice to the petitioner, final order can be passed within a time frame.

8. In such view of the matter, this Court is inclined to pass the following order in this writ petition:

"That the respondent is directed to complete the disciplinary proceeding and pass final order, after giving opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order and depending upon the outcome of the disciplinary proceeding by passing the final order, a decision with regard to review/revocation of the suspension would be taken by the respondent. It is needless to mention that once the petitioner is found guilty of the charge framed against him at the end of the disciplinary proceeding and the disciplinary authority also comes to a conclusion that a punishment to be inflicted on the petitioner, then, the suspension order dated 08.06.2015 would get merged with the final order to be passed in this regard. Therefore, at this juncture, there is no need to review the suspension order atleast, for the three months outer limit now fixed by this Court to pass final order in the disciplinary proceeding.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar(CS-I)



RR

To:

The Executive Officer,
Thervunilai Town Panchayat
Panangudi
Tirunelveli District.

+1cc to Spl Government Pleader, SR No.69754

W.P. (MD) No.12860 of 2018

NM/PM/SAR I/26.10.18/3P/3C.