



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.19372 of 2017

and

WMP (MD) Nos.18719 & 15698 of 2017

D.Gurusamy

... Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Maintenance Division,
TWAD Complex, Matthuthavani Road,
K.Pudhur, Madurai - 625 007.

2.The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

... Respondents

Prayer: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records connected with the impugned order dated 29.12.2016 issued by the first respondent vide his proceedings No. Ko.Vazhakku./Ka.Kaa/2016 and quash the same.

For petitioner	: Mr.N.Sekar
	for M/s.Law Square
For Respondents	: Mrs.Porkodi Karnan

ORDER

The petitioner is working as a Turn Cock (Valve Operator) in the respondent board. It is seen that he got implicated in a criminal case and was also remanded in judicial custody. The petitioner was in judicial custody for more than 48 hours. Therefore, the first respondent rightly suspended the



petitioner from service. The said order was challenged on the ground that the first respondent erred in invoking the service regulations.

2. According to the learned counsel appearing for the petitioner, the petitioner is a workman and that therefore he is governed only by the certified standing orders.

3. This Court is of the view that there is no need to go into the correctness of the said contention of the learned counsel for the petitioner. This is because, the petitioner has to be necessarily suspended from service in view of his arrest and detention in a criminal case. The order impugned in the writ petition is sustained.

4. The question is whether the petitioner should be reinstated in service. This Court is of the view that the criminal case in which the petitioner was implicated does not have anything to do with the discharge of the official duty of the petitioner. This is also not a case involving corruption. Keeping the petitioner under suspension is not going to serve any purpose. It will be a waste of public funds. He has to be paid subsistence allowance during the period of suspension.

5. The first respondent is therefore directed to revoke the order of suspension and reinstate the petitioner in service forthwith. The learned counsel standing counsel appearing for the respondent board submitted that the disciplinary proceeding initiated against the petitioner is pending. It is made clear that they shall go on. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)



To

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31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

+1cc to M/S.N.SEKAR, Advocate SR.No.43782.

+1cc to M/S.PORKODI KARNAN, Advocate SR.No.43797.

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skm

SDS/SV:MMS/SAR 1/22.02.2018/3P/5C