



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.18573 of 2018

and

W.M.P.(MD).No.16432 of 2018

P.Suresh

.. Petitioner  
Vs.

- 1.The Commissioner,  
Madurai Corporation  
Madurai-2.
- 2.The Deputy Commissioner  
Madurai Corporation  
Madurai-2.
- 3.The City Health Officer,  
Madurai Corporation  
Anna Malligai  
Madurai-2.
- 4.The Assistant Commissioner  
Zone II  
Madurai Corporation  
Madurai-2.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in No.H2/19797/18 dated 09.08.2018 and quash the same as illegal and direct the respondents to reinstate the petitioner in service.

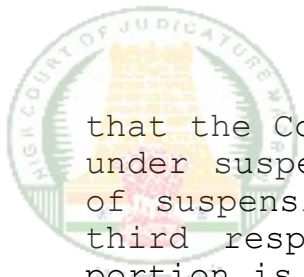
For Petitioner : Mr.M.Mohamed Rafi

### O R D E R

The petitioner has come forward with this writ petition, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in No.H2/19797/18 dated 09.08.2018 and quash the same as illegal and direct the respondents to reinstate the petitioner in service.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The only ground of attack in the present writ petition is



that the Commissioner is the competent authority to place the person under suspension, whereas the third respondent has passed the order of suspension. According to the petitioner, the signature of the third respondent is found in the impugned order. The relevant portion is extracted hereunder:

"ஆணையாளருக்காக"

3. On a perusal of the impugned order, it is seen that on behalf of the Commissioner, the third respondent has signed. Actually, original order has been duly signed by the Commissioner and based on which, a copy of the order signed by his Subordinate, namely third respondent has been forwarded to the petitioner. It does not mean that the third respondent has played the role of the Commissioner or he usurped the jurisdiction of the Commissioner.

4. Suspension is not a punishment, even though the charge against the petitioner is that he has not vacated the quarters. Hence, I find no infirmity in the impugned order and this Court shall not interfere with the suspension order. This Court in catena of cases held that suspension is not a punishment. It is open to the competent authority to issue charge memo against the petitioner and proceed with the departmental action on day-to-day basis, without adjourning the matter, beyond seven working days, till the issue comes to a logical end.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner,  
Madurai Corporation  
Madurai-2.
2. The Deputy Commissioner  
Madurai Corporation  
Madurai-2.
3. The City Health Officer,  
Madurai Corporation  
Anna Malligai  
Madurai-2.
4. The Assistant Commissioner  
Zone II  
Madurai Corporation  
Madurai-2.

+1cc to Mr. M. MOHAMED RAFI, Advocate, SR.No. 80961

W.P. (MD) No. 18573 of 2018  
27/08/2018