



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23243 of 2017

and

WMP(MD)Nos.19540 to 19542 of 2017

A.Muthukumar

... Petitioner

Vs.

The District Forest Officer,
Tirunelveli Division,
Tirunelveli.

... Respondent

Prayer: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to suspension order passed by the respondent in Endt.No.2255/2016/E2 dated 15.04.2016 and quash the same as illegal and unconstitutional, consequently direct the respondent to re-instate the petitioner forthwith in service as Junior Assistant, in the office of respondent, pending departmental proceedings in connection with suspension order in Endt.No.2255/2016/E2 dated 15.04.2016.

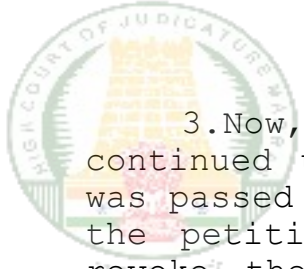
For petitioner : Mr.A.Maharaja

For Respondent : Mr.J.Gunaseelan Muthaiah,
Addl., Government Pleader

ORDER

The petitioner is working as Junior Assistant in the office of the respondent. He was implicated in a criminal case in April 2016. He was arrested and remanded to judicial custody. He was enlarged on bail on 21.04.2016. He is still facing criminal prosecution.

2.It is submitted that the criminal proceedings were stayed by this Court and the interim order of stay is still in force. The writ petitioner was suspended from service vide order dated 15.04.2016. Till date, charge memo has not been issued. The criminal case also cannot progress in view of the interim order of stay granted by this Court.



3.Now, the question is whether the petitioner should be continued under suspension. It is seen that the suspension order was passed some 21 months ago. No purpose will be served in keeping the petitioner under suspension. The respondent is directed to revoke the order of suspension and reinstate the petitioner in service forthwith. Since it is seen that the criminal case arose out of some quarrel with fellow employees, it is open to the respondent to post the petitioner in some other place.

4.The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

The District Forest Officer,
Tirunelveli Division,
Tirunelveli.

+1cc to Mr.M.MAHARAJA,Advocate,SR. 43781

+1cc to M/S.Special Government Pleader,SR. 44351

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