



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8460 of 2017

and

WMP(MD)No.6482 of 2017

Rupan

... Petitioner

Vs.

The Sub Collector,
Dindigul,
Dindigul District.

... Respondent

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the proceedings of the respondent made in Na.Ka.No.7307/2016/A4, dated 24.04.2017 and the proceedings made in Na.Ka.No.7309/2016/A4 dated 24.04.2017 and quash the same.

For Petitioner	: Mr.N.Dilipkumar
For Respondent	: Mr.J.Gunaseelan Muthaiah, Additional Govt. Pleader

O R D E R

The petitioner is working as Sub Inspector of Survey in the Survey and Land Records Department, Dindigul District. The respondent passed the impugned order dated 24.04.2017 suspending the writ petitioner from service. He also issued with a charge memo dated 24.04.2017.

2.The primary ground urged by the learned counsel appearing for the writ petitioner is that the competent authority to issue an order of suspension on the writ petitioner would be the Assistant Director of Survey, Land Records Department, who is the appointing authority of the writ petitioner. While the ground of jurisdiction is quite attractive, this Court would set aside the suspension order alone. However, this Court would not interfere with the charge memo. This is because any immediate superior can issue a charge memo. It is not as if he has imposed any penalty on the writ petitioner. While the competent authority alone would have the jurisdiction to pass the order of suspension, the immediate superior would be entitled to issue charge memo. The



order of suspension dated 24.04.2017 is quashed and the respondent is directed to reinstate the petitioner in service forthwith.

3. This writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Sub Collector,
Dindigul, Dindigul District.

+ 1 CC TO Mr.K.GOVINDARAJAN, ADVOCATE IN SR No. 42057
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42271

SKM

TE/KKR/SAR-1 : 02/02/2018 : 2P/4C

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