



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

C O R A M

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9619 of 2017 and 131 of 2016

and

W.M.P. (MD)Nos.7344, 7345 & 8589 of 2017 and 102,
103 & 8893 of 2016

W.P. (MD)No.9619 of 2017

J.Sam Christudhas

... Petitioner

Vs.

1. The Chief Executive Officer,
Khadi and Village Industries Board,
Kuralagam, Chennai - 108.
2. Marthandam Bee Keepers,
Co-operative Society Ltd.,
No.2050 represented by its President,
Vettumani Junction,
Marthandam - 629 165,
Kanyakumari District.
3. The Assistant Director,
Khadhi & Village Industries Board,
Nagercoil.
4. The Administrator/Manager,
Marthandam Bee Keepers
Cooperative Society Ltd.,
No.2050, Vettumani Junction,
Marthandam - 629 165,
Kanyakumari District.

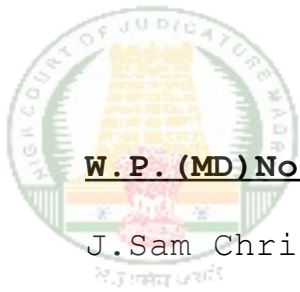
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the 4th respondent in connection with the order of suspension dated 25.04.2017, proceedings No.Nil and quash the same.

For Petitioner : Mr.Singaravelan,
Senior Counsel

For R-1, R2 &R-4 : Mr.J.Gunaseelan Muthiah
<https://hcservices.ecourts.gov.in/hcservices/> Government Advocate

For R-3 : Mr.G.Karnan

**W.P. (MD) No.131 of 2016**

J.Sam Christudhas

... Petitioner

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Vs.

- 1.The Chief Executive Officer,
Khadi and Village Industries Board,
Kuralagam, Chennai - 108.
- 2.Marthandam Bee Keepers,
Co-operative Society Ltd.,
No.2050 represented by its President,
Vettumani Junction,
Marthandam - 629 165,
Kanyakumari District.
3. The Assistant Director,
Khadhi & Village Industries Board,
Nagercoil.
4. The Secretary,
Marthandam Bee Keepers
Cooperative Society Ltd.,
No.2050, Vettumani Junction,
Marthandam - 629 165,
Kanyakumari District.

...Respondents

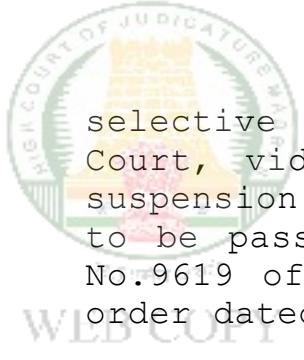
Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent vide Na.Ka.No.657/2015/C1, culminating in order dated 21.12.2015 and the consequential order dated 22.12.2015 passed by the fourth respondent, quash the same and restore the petitioner's service as Store Keeper/Manager in-charge, in the second respondent society.

For Petitioner	: Mr.B.Brijesh Kishore
For R1, R2 &R-4	: Mr.J.Gunaseelan Muthiah
	Government Advocate
For R-3	: Mr.G.Karnan

COMMON ORDER

The writ petitioner is working as Store-keeper in the second respondent Society. He was placed under suspension by an order dated 22.12.2015, which was challenged in W.P.(MD).No.131 of 2016.

2. The principal ground urged by the learned Senior Counsel appearing for the writ petitioner was that the authorities were



selective in their approach. Taking note of the submission, this Court, vide order dated 06.01.2016 stayed the operation of the suspension order. Subsequently, the second suspension order came to be passed on 25.04.2017 and that was questioned in W.P.(MD). No.9619 of 2017 and the same was also stayed by this Court vide order dated 24.05.2017.

3. The learned Counsel appearing for the Co-operative Society would point out that while the first suspension order would suffer from the vice of selective discrimination, the second one is free from it. He would contend that a criminal case against the writ petitioner came to be filed and that, pending criminal prosecution only, the writ petitioner was suspended.

4. Now it is brought to the notice of this Court that the domestic enquiry conducted against the writ petitioner had been concluded and that the report is being finalized. The object of suspending an employee is to facilitate conducting a proper enquiry which will be free from any influence or interference. In this case the very enquiry is already over and therefore, no purpose will be served by keeping the petitioner under suspension. In any event, the orders of the suspension passed against the writ petitioner were stayed by this Court on two occasions. The cause of action that led to the initiation of the disciplinary proceedings dates back to 2014.

5. Considering the lapse of time and the subsequent developments in this case, I am inclined to set aside both the suspension orders and allow these writ petitions as prayed. The second respondent is of course at liberty to pass final orders in the disciplinary proceedings initiated against the writ petitioner.

6. With the above observations, these Writ Petitions are allowed as prayed for. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Executive Officer,
Khadi and Village Industries Board,

Chennai - 108.



2. The Assistant Director,
Khadhi & Village Industries Board,
Nagercoil.

+ 2 ccs TO Mr.G.Karnan , Advocate in SR No. 40285,40286

+ 1 cc TO Mr.D.Selvanayagam , Advocate in SR No. 40446

kmi

AE/JC/SAR4/01.02.2018/4P/6C

W.P. (MD) Nos.9619 of 2017
and 131 of 2016
04.01.2018