



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAMW.P(MD)No.7600 of 2013andM.P(MD)No. 2 of 2013

P.Radha Krishnan,
Senior Supervisor (Civil),
Type V, House No.11, T.N.C.Colony,
Tamil Nadu Cements Post,
Alangulam-626 127,
Rajapalayam Viz.,
Virudhunagar District.

... Petitioner

Vs

- 1.The Chairman cum Managing Director,
Tamilnadu Cements Corporation Limited,
753, Anna Salai, Chennai-2.
- 2.The Deputy General Manager,
Tamil Nadu Cements Corporation Limited,
(A Government of Tamil Nadu Undertaking)
Alangulam Works,
Tamil Nadu Cements Post-626 127,
Rajapalayam Via., Virudhunagar District.
- 3.Thiru.B.Balu,
Deputy General Manager (P & A),
Tamilnadu Cements Corporation Limited,
753, Anna Salai, Chennai-2.
- 4.Thiru.S.Nagarajan,
The Deputy Manager,
Tamilnadu Cements Corporation Limited,
Alangulam Works,
Tamil Nadu Cements Post-626 127,
Rajapalayam Viz.,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order issued by the second respondent dated 27.12.2012 in Ref.NO.1983/PL-7/2012 and quash the same.

For Petitioner	:Mrs.Chamundibose
For R1 and R2	: Mr.A.Sivaji
For R4	: Mr.D.P.Sundararaj
For R3	: No appearance

ORDER

The order of suspension, dated 27.12.2012 is under challenge in this writ petition. On initiation of disciplinary proceedings against the writ petitioner, he was placed under suspension. The charge memo was issued to the writ petitioner on 08.01.2013 and thereafter, two other set of charge memos were also issued to him. The writ petitioner is under continuous suspension for about five years.

2.This Court is of an opinion that prolonged suspension is bad in law. This apart, payment of subsistence allowance without extracting work from an employee is a loss to the State exchequer. Since the first respondent company is fully owned by the Government of Tamilnadu.

3.An employee can be placed under suspension on initiation of Departmental Disciplinary Proceedings. However, the disciplinary proceedings initiated is to be completed within a reasonable period of time. When there is a delay in concluding the disciplinary proceedings, then the competent authorities have to review the suspension order for the purpose of revoking the same and thereafter, continue the enquiry proceedings in accordance with Rules. However, in the present case, the writ petitioner is under continuous suspension for about five years and therefore, further continuance is not desirable. This apart, this Court already issued directions in W.P.(MD)No.3690 of 2013 to conclude the enquiry proceedings within a period of four months from the date of receipt of copy of the order.

4.In view of the directions granted, this Court is of an opinion that continuation of suspension may not be required and the writ petitioner shall be reinstated into service and he may be posted to any one of the non-sensitive post till the conclusion of the enquiry proceedings.

5.Accordingly, the impugned order of suspension issued by the second respondent in Ref. No. 1983/PL-7/2012, dated 27.12.2012 is quashed and the respondents are directed to reinstate the petitioner in service and post in any one of the non-sensitive post till the conclusion of the enquiry proceedings.

6.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

+One cc to M/s.Chamundi Bose, Advocate, SR.No.53176

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RL/2C/2P/JC/SAR1/20/3/2018

W.P(MD)No.7600 of 2013