

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.02.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3050 of 2019
and
W.M.P.No.3330 of 2019

T.Muruganandam

..Petitioner

vs

- 1.The Managing Director
TASMAC Ltd.,
CMDA Towers
Egmore, Chennai - 8.
- 2.The Senior Regional Manager
TASMAC Ltd.,
Regional Office
No.19, T.S.39/I.P., Gandhinagar
Pon Nagar, Tiruchirapalli - 1.
- 3.The District Manager
TASMAC Ltd.,
Master Plan Complex
Mannargudi Road
Vilammal Village
Tiruvarur Taluk and District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the 3rd respondent in Na.Ka.No.198/2015/A1 dated 1.9.2015 and to quash the same and consequently reinstate the petitioner in the same post of Salesman at Shop No.9856, Visaloor, Nanilam Tk., Tiruvarur District or any other place within the jurisdiction of 3rd respondent.

For Petitioner : Mr.K.M.Subrahmaniam
For Respondents : Mr.B.Nedunchezian

O R D E R

The order of suspension dated 01.09.2015, placing the writ petitioner under suspension on the ground that a criminal case was registered against the writ petitioner and he was under judicial custody is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that a false case has been registered against the writ petitioner in FIR.No.443/2015 under Sections 147, 148, 294B, 452, 324, 326 and 307 of IPC. On account of the pendency of the criminal case, the case of the writ petitioner was not considered for revocation of suspension. The learned counsel for the writ petitioner states that the writ petitioner is under continuous suspension and he was erroneously implicated in the criminal case. Thus, his case is to be considered for revocation of the order of suspension, which is impugned in the present writ petition.

3.This Court is of an opinion that pendency of a criminal case is also a ground for placing an employee under suspension. Thus, there is no infirmity or irregularity in respect of the order of suspension passed by the competent authority. Undoubtedly, prolonged suspension is also bad in law. In the event of keeping an employee under suspension for an unspecified period, the same also cannot be encouraged. A balancing approach is to be adopted in respect of such cases, where the employees have involved in such heinous offences. As far as the present case on hand is concerned, the writ petitioner was placed under suspension on 01.09.2015 and if the suspension period exceeds more than four and half 4($\frac{1}{2}$) years or five years, then his case can be considered for revocation of the order of suspension. Contrarily, if the order of suspension is revoked at the earliest point of time, the same will provide a wrong message to such persons, who all are involving in such criminal case of heinous offences.

4.Under these circumstances, this Court is not inclined to consider the case of the writ petitioner at present and the case of the writ petitioner for revocation of suspension shall be reviewed and considered after a lapse of four and half 4($\frac{1}{2}$) years or 5 years from the date of the order of the impugned suspension. In this regard, the respondents are directed to review the order of suspension, if the criminal case was not concluded and after a lapse of about four and half 4($\frac{1}{2}$) years.

5.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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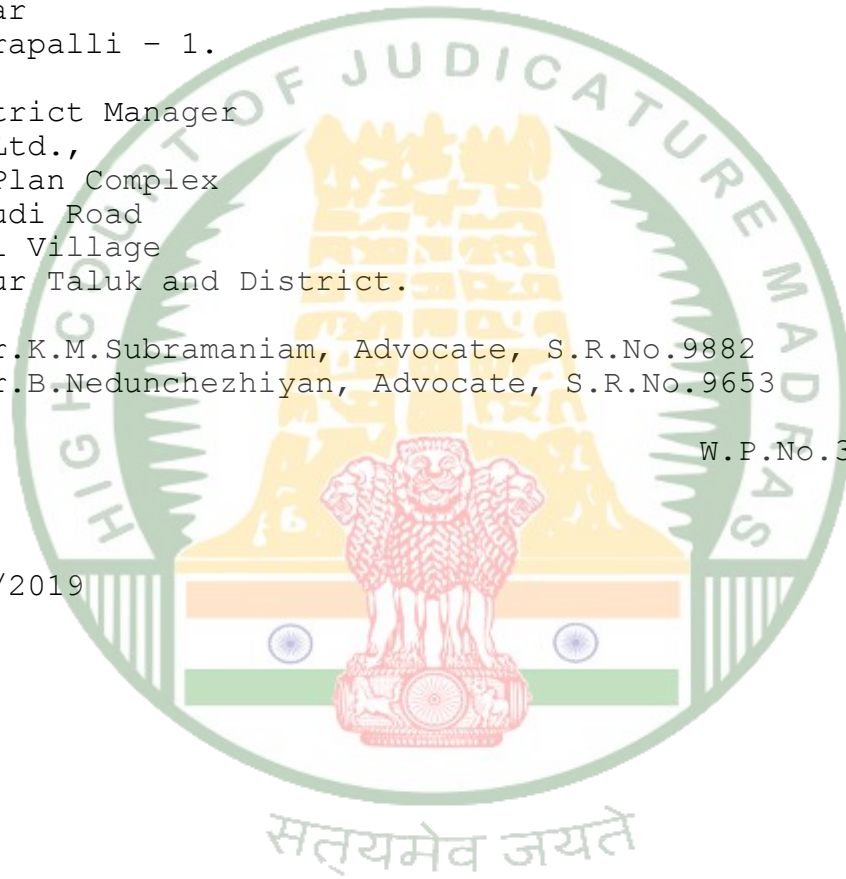
+lcc to Mr.K.M.Subramaniam, Advocate, S.R.No.9882

+lcc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.9653

W.P.No.3050 of 2019

PVS (CO)

rrs 28/02/2019



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