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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.21641 OF 2011
AND M.P.NO.2 OF 2011

S.Muthulakshmi

... Petitioner

Vs.

1.The District Collector
Tiruppur District, Tiruppur.

2.The Block Development Officer
Udumalpet Panchayat Union
Udumalpet.

3.The Assistant Director of Rural Development
Tiruppur.

4.The President
Periyapappanoothu Village Panchayat
Udumalpet Taluk, Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records of the first respondent relating to his proceedings in Na.Ka.No.2134/2011/A2 dated 15.09.2011 and quash the same.

For Petitioner : Mr.P.Srinivas

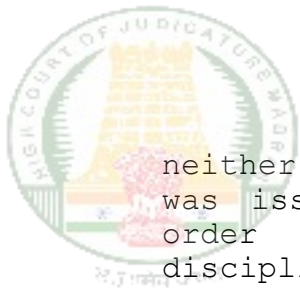
For Respondents: Ms.R.Janaki
1 and 3 Additional Government Pleader

For Respondent 2: Mr.B.Anand

For Respondent 4: Mr.P.R.Balasubramanian

O R D E R

The petitioner was placed under suspension on 15.09.2011 in contemplation of disciplinary proceedings. As per the submission of the learned counsel for the petitioner,



neither disciplinary proceedings were initiated nor charge memo was issued. The respondent is continuing with the suspension order without any review and without contemplating any disciplinary proceedings in this regard.

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2. Considering the facts and circumstances of the case, this Court is of the view that continuing the suspension without reviewing the same for a prolonged period is violative of principles of natural justice. If at all any disciplinary proceedings were initiated and enquiry was conducted, the respondents should have passed an order of punishment. The counter affidavit filed by the respondents also does not disclose any progress. Therefore, in the considered opinion of this Court, the prolonged suspension is not sustainable in the eye of law. Accordingly, the impugned order passed in Proceedings Na.Ka.No.2134/2011/A2 dated 15.09.2011 by the first respondent is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The Block Development Officer,
Udumalpet Panchayat Union,
Udumalpet.
- 3.The Assistant Director of Rural Development,
Tiruppur.
- 4.The President,
Periyapappanothu Village Panchayat,
Udumalpet Taluk, Tiruppur District.

+1cc to Mr.P.Srinivas, Advocate Sr.104794
+1cc to M/s.P.R.Balasubramanian, Advocate Sr.104659
+1cc to the Government Pleader Sr.104890

W.P.NO.21641 OF 2011

srg 22/01/2020