

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9972 of 2008

M.Selvam

.. Petitioner

-vs-

The Commissioner
Salem Corporation

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the respondent's order of suspension made in Na.Ka.No.C4/6945/08 dated 19.03.2008 and to quash the same as illegal, arbitrary, unjust and direct the respondent to withdraw the suspension order dated 19.03.2008 to restore the petitioner's into service with all benefits due to him.

For Petitioner : Mr.A.Thamizharasan

For Respondent : Mrs.K.Bhuvaneswari
Standing Counsel

ORDER

Mr.M.Selvam, while serving as Sanitary Supervisor in the respondent Salem Corporation, suffered an order of suspension on 19.3.2008 on the ground of putting up illegal construction in the water body and thereby committed a misconduct under the Service Rules of the Corporation. However, when the writ petition was filed questioning the correctness of the order of suspension, this Court has granted an order of stay and by virtue of that order, the petitioner was allowed to continue in service.

2. The learned standing counsel for the respondent submitted that in view of the order of stay granted against the order of suspension, the respondent is unable to proceed with the enquiry. As the petitioner has been allowed to continue in service, liberty may be granted to the respondent to proceed with the enquiry against the petitioner for the alleged misconduct.

3. This Court, accepting the request made by the learned standing counsel for the respondent, taking note of the fact that the petitioner is continuing in service by virtue of the order of stay of suspension, directs the respondent to proceed with the enquiry against the petitioner for the alleged misconduct and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. Consequently, M.P.No.1 of 2008 is closed. No costs.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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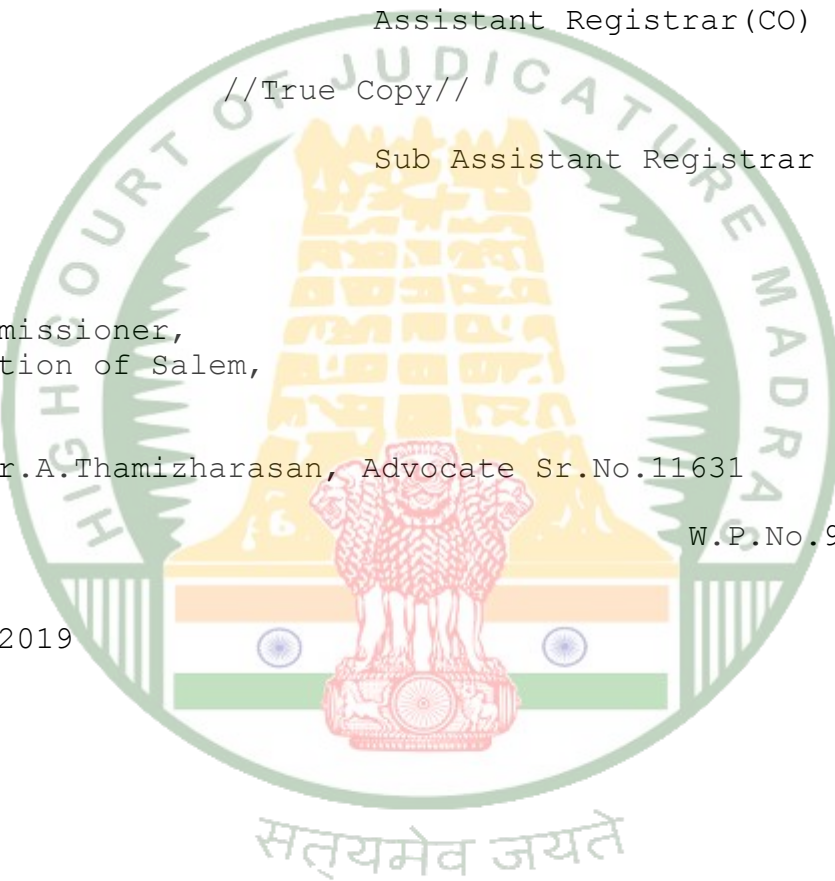
To

1. The Commissioner,
Corporation of Salem,
Salem.

+1 cc to Mr.A.Thamizharasan, Advocate Sr.No.11631

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RSI (CO)
CSL/06.03.2019



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