

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2019

CORAM

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

W.P.No.4328 of 2018
and

W.M.P.Nos.5328 to 5330 of 2018

Mr.V.Murugan

..Petitioner

--vs--

1.The State of Tamil Nadu,
Rep.by Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Kanchipuram,
Kanchipuram District.

3.The Tahsildar,
Thiruporur,
Kanchipuram District.

4.The Director General of Police,
Mylapore,
Chennai - 600 004.

5.The Superintendent of Police,
Kanchipuram,
Kanchipuram District.

6.The Inspector of Police,
E.9, Thazhambur Police Station,
Kanchipuram District.

7.The Sub-Inspector Police,
E.9, Thazhambur Police Station,
Kanchipuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records relating to the impugned order in No.Rc.A3/4966/2016, dated 31.12.2016 passed by the 3rd respondent, quash the same.

For Petitioner : Mr.V.Selvaraj
for M/s.Devadason and Sagar

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The order of suspension dated 31.12.2016 is under challenge in the present writ petition.

2. The writ petitioner, who was employed as Village Assistant at Sirucherri Village, Thiruporur Taluk, Kanchipuram District, was placed under suspension, on account of the registration of Criminal Case against the writ petitioner, as per the Rc.A3/4966/2016, dated 31.12.2016 vide F.I.R. No.487 of 2016 under Sections 147, 447, 294(b), 506 (1) I.P.C and 3(1) of TNPPDL Act 1992. In view of the fact that a Criminal Case was registered against the writ petitioner, he would placed be under suspension.

3. The learned counsel appearing for the writ petitioner states that subsistence allowance, as applicable, has not been paid.

4. The learned Government Advocate appearing on behalf of the respondents states that the writ petitioner was arrested and kept in police custody for more than 48 hours and thereafter, remanded to judicial custody. Thus, the writ petitioner was placed under suspension and the subsistence allowance as applicable has been paid to the writ petitioner.

5. This Court is of an opinion that even the order granting subsistence allowance in proceedings dated 07.01.2019 passed by the Tahsildar, Thiruporur, is also placed before this Court.

6. This Court is of an opinion that the subsistence allowance as applicable is to be paid as per the rules in force subject to the condition that the writ petitioner, comply with the terms and conditions. As far as the departmental disciplinary proceedings are concerned, the authorities competent are bound to proceed with the enquiry proceedings, if files and the documents are available with them. Mere pendency of Criminal Cases is not a bar for the disciplinary authority to proceed with the departmental disciplinary proceedings. Thus, if the materials are available with the respondents/ disciplinary authority, then they are at liberty to continue the departmental disciplinary proceedings to conclude the same and pass final

orders. However, if no documents are available with the department at all, they will have to wait for the disposal of the criminal case, registered against the writ petitioner.

7. The learned counsel for the writ petitioner states that writ petitioner is due to retire from service during the month of May 2019. On the date of retirement, the case of the writ petitioner is to be reviewed and appropriate orders are to be passed under the provisions of the Rules. However, as far as the present case is concerned, there is no ground for interference and accordingly the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The Secretary to Government,
Home Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Kanchipuram,
Kanchipuram District.
- 3.The Tahsildar,
Thiruporur,
Kanchipuram District.
- 4.The Director General of Police,
Mylapore,
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- 6.The Inspector of Police,
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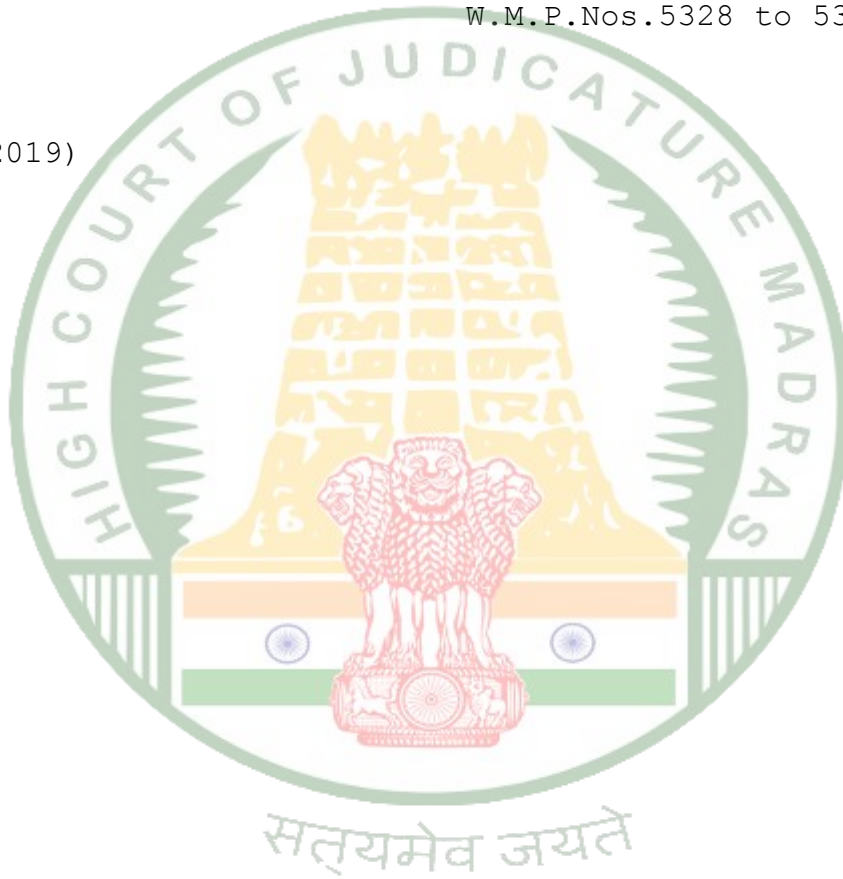
7.The Sub-Inspector Police,
E.9, Thazhambur Police Station,
Kanchipuram District.

+1cc to Mr. Devadason and Sagar, Advocate, S.R.No. 11013
+1cc to the Government Pleader, S.R.No. 11370

W.P.No.4328 of 2018
and

W.M.P.Nos.5328 to 5330 of 2018

VD(CO)
GN(14/03/2019)



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