

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.02.2019

CORAM

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

W.P.No.648 of 2018
and
W.M.P.Nos.807 & 808 of 2018

K.Manoharan

..Petitioner

vs

The District Collector,
Panchayat Development Wing,
Tiruvarur,
Tiruvarur District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent relating to the orders Proc.Na.Ka.No.2735/A1/(Dev.)/2013 dated 28.11.2016 and Proc.Rc.No.8694/2009/A4/(Dev) dated 24.11.2009 to quash the same and issue consequential directions to the Respondent to reinstate the petitioner in service with consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The order of suspension dated 24.11.2009 and the Consequential rejection order of the revocation order of suspension dated 28.11.2016 are under challenge in the present writ petition.

2.The writ petitioner was holding the post of Block Development Officer and on account of certain allegations, the writ petitioner was placed under suspension in proceedings dated 24.11.2009. The learned counsel for the writ petitioner states that the suspension order is continuing even now and the request made by the writ petitioner to revoke the order of suspension has been rejected by the respondent in proceedings dated 28.11.2016.

3.It is contended that the prolonged suspension is bad in law and the respondent has not initiated any action to conclude the departmental disciplinary proceedings also.

4.This Court is of an opinion that on initiation of disciplinary proceedings, the competent authorities must ensure that the proceedings are concluded within a reasonable period of time and without causing any undue delay. Prolonged suspension is bad in law. Keeping an employee under suspension for an unspecified period and paying the Subsistence Allowance would cause financial loss to the State Exchequer also. Thus, continuous suspension is certainly undesirable. The disciplinary authority, on initiation of disciplinary proceedings, must ensure that the proceedings are concluded without any undue delay and in the event of any prolonged pendency of disciplinary proceedings, the rights of the employees are also prejudice. Employee may not be considered for promotion and grant of all other benefits. Therefore, the authorities competent must be vigilant in respect of all such enquiry proceedings, which all are pending for long years.

5.In the present case on hand, the petitioner was placed under suspension in proceedings dated 24.11.2009 and the departmental disciplinary proceedings are yet to be concluded.

6.Under these circumstances, the impugned order passed by the respondent in Proc.Na.Ka.No.2735/A1/(Dev.)/2013 dated 28.11.2016 and the rejection order in Proc.Rc.No.8694/2009/A4/(Dev) dated 24.11.2009 are quashed. The respondent is directed to reinstate the writ petitioner forthwith and post him in any one of the non-sensitive post till the completion of the departmental disciplinary proceedings.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The District Collector,
Panchayat Development Wing,
Tiruvarur,
Tiruvarur District.

+lcc to the Special Government Pleader, S.R.No. 16634

W.P.No.648 of 2018

GN(12/03/2019)



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