

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 5585 of 2019
and
W.M.P.Nos.6358 & 6359 of 2019

S.Syed Rahim

.. Petitioner

Vs.

The Secretary
Tamil Nadu Slum Clearance Board
Kamarajar Salai
Chennai - 05.

... Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the respondents in connection with the impugned order passed by the respondent in Rc.No.A6/17525/2018 dated 22.10.2018 and quash the same.

For Petitioner : M/s.Sivakumar

O R D E R

The order of suspension dated 22.10.2018 issued by the respondent is under challenge in the present writ petition.

2. The writ petitioner was working as a Driver in the respondent Board. On account of certain serious allegations of fraudulent collection of amount of Rs. 1,50,00,000/- for allotting tenements in Tamil Nadu Slum Clearance Board, the departmental proceedings were initiated against the writ petitioner. Consequently, the petitioner was placed under suspension.

3. Undoubtedly, an order of suspension has to be considered as an initiation of departmental disciplinary proceedings. Consequently, the competent authority has to issue a charge memo and conduct an enquiry and thereafter pass final orders in accordance with rules in force.

4. The grievances of the writ petitioner is that the charge memo is yet to be framed against the writ petitioner and he is going to retire shortly.

5. The disciplinary authorities, on initiation of disciplinary proceedings must ensure that all such proceedings are concluded within a reasonable time and without causing any undue delay. Undoubtedly, the allegations against the writ petitioner set out in the order of suspension are serious in nature and the same has to be enquired into by the competent authorities. Thus, an enquiry must be conducted by following the procedures contemplated in the regulations. The disciplinary proceedings initiated must be concluded as expeditiously as possible and without causing any undue delay. At this stage, the order of suspension cannot be revoked, in view of the fact that the writ petitioner was placed under suspension with effect from 22.10.2018 and the allegations against the writ petitioner is with regard to fraudulent collection of money amounting Rs.1,50,00,000/- for allotting tenements in Tamil Nadu Slum Clearance Board/respondent.

6. This being the factum, the writ petitioner has not established any acceptable ground, for the purpose of granting the relief sought for in the present writ petition.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

Kmm
To

The Secretary
Tamil Nadu Slum Clearance Board
Kamarajar Salai
Chennai - 05.

+1 CC to Mr.S.Sivakumar, Advocate sr 18854.

W.P.No.5585 of 2019

NMI (CO)
SP(01/04/2019)