

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2019

CORAM

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

W.P.No.20714 of 2018

And

W.M.P.No.24342 of 2018

G.Bakkiyam

..

Petitioner

- Vs. -

The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

...

Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order passed by the respondent in his proceedings dated 29.6.2018 made in Na.Ka.A5/4365/2018 and quash the same.

For Petitioner : Mr.R.Arundattan

For Respondent : Mr.R.S.Selvam,
Government Advocate.

O R D E R

The order of suspension, issued by the respondent, dated 29.6.2018, is under challenge in the present writ petition.

2. On account of an allegation of submission of bogus educational certificate, the competent authority received a complaint from the Hon'ble Chief Minister's Special Cell dated 20.6.2018. When a complaint had been received by the competent authority regarding submission of bogus educational certificate by the writ petitioner for the purpose of securing employment, the respondent initiated departmental disciplinary proceedings and placed the writ petitioner under suspension in view of the fact that the writ petitioner was due for retirement.

3. Unless the writ petitioner is placed under suspension, the Department may not be in a position to continue

the disciplinary proceedings. When an employee is due to retire and an allegation of serious misconduct is brought to the notice of the competent authority, the authority is bound to institute a departmental disciplinary proceedings by placing the employee under suspension as well as to retain the services by invoking the Fundamental Rules.

4. This being the procedures to be followed, there is no infirmity, as such, in respect of the impugned order placing the writ petitioner under suspension.

5. Submission of bogus educational certificate and securing public employment is a grave offence and the allegations now received through the complaint dated 20.6.2018 is to be enquired into.

6. However, this Court is of an opinion that the departmental disciplinary proceedings initiated against the writ petitioner must be concluded within the reasonable period of time, without causing any undue delay.

7. The writ petitioner has already served for number of years and in the event of any undue delay and her right to receive the terminal and pensionary benefits would also be delayed.

8. This being the factum, the respondents are bound to proceed with the enquiry and conclude the same, within the reasonable period of time, without causing any undue delay. The writ petitioner should also cooperate with the respondent for the early disposal of the departmental disciplinary proceedings. In the event of non-cooperation on the part of the writ petitioner, the same shall be recorded by the respondent in the proceedings itself.

9. Under these circumstances, the respondent is directed to proceed with the departmental disciplinary proceedings by conducting enquiry and conclude the same as expeditiously as possible.

10. With the above observations, the writ petition stands disposed of. However, there is no infirmity, as such, in respect of the impugned order of suspension is concerned and the

said order is in consonance with the Rules in force. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

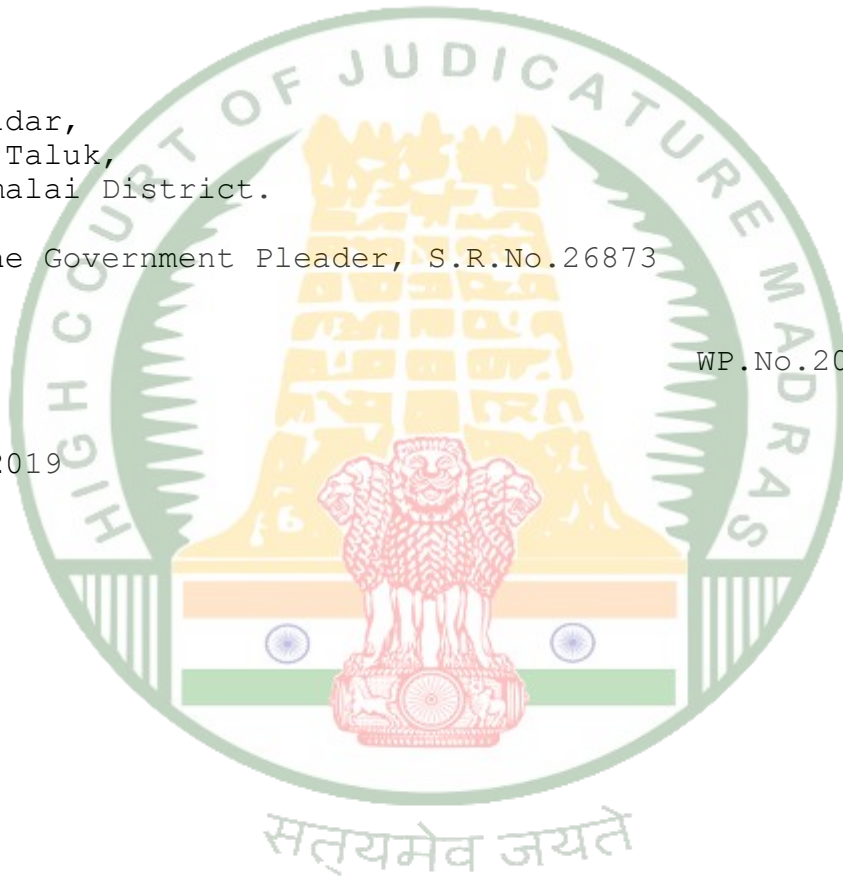
To

The Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

+1cc to the Government Pleader, S.R.No.26873

WP.No.20714 of 2018

AK(CO)
CS/25/04/2019



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