

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2019

CORAM

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

W.P.No.11517 of 2018

and

W.M.P.Nos.13454 & 13455 of 2018

T.Elumalai

.. Petitioner

..vs..

1.The District Collector/
Inspector of Panchayat,
Villupuram District,
Villupuram.

2.The Block Development Officer,
Kadavampakkam Panchayat,
Olakkur Panchayat Union,
Dindivanam (T.k.,)
Villupuram (D.t.,)

.. Respondents

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 2nd respondent herein pertaining to the Suspension Order No. Na.Ka.Aa 2/1680/2012 dated 11.03.2013 and quash the same and consequently direct the 2nd respondent to reinstate the petitioner to the post of Secretary, Panchayat.

For Petitioner : Mr.Abraham Engles

For Respondents : Mr.D.Suriyanarayanan

Additional Government Pleader for R1

Mr.P.Rose Kamalam for R2

O R D E R

The order of suspension issued by the respondent in proceedings dated 11.03.2013 is under challenge in the present writ petition.

2. The petitioner was initially appointed as part time Clerk in the Kadavam Pakkam, Olakkur Panchayat Union, Dindivanam

Taluk, Villupuram District, and subsequently promoted as Panchayat Secretary on 01.02.2013. On account of the allegation on submission of bogus certificates, the departmental disciplinary proceedings were initiated and the writ petitioner was placed under suspension in proceedings dated 11.03.2013.

3. It is pertinent to note that no charge memo has been issued by the Competent Authority for the past about 6 years. Thus, the writ petitioner constrained to move the present writ petition on the ground that prolonged suspension is bad in law and the Competent Authorities have pursued the departmental disciplinary proceedings and keep the same pending for more than 6 years.

4. The learned counsel appearing on behalf of the respondent opposed the contention by stating that the allegations against the writ petitioner are serious in nature. The writ petitioner had submitted bogus educational certificate for the purpose of securing appointment as well as the promotion. Thus, he is not entitled for the relief as such sought for in the present writ petition.

5. This Court is of an opinion that on initiation of disciplinary proceedings, the disciplinary authorities must ensure that the said proceedings are concluded and the final orders in the disciplinary proceedings are passed without causing any undue delay, in view of the fact that prolonged suspension would cause prejudice to the interest of the employees also. An employee under suspension is not entitled to get any other employment or job. He has to lead his life only with the Subsistence Allowance. This apart, the payment of Subsistence Allowance for an unspecified period would also cause the financial loss to the State Ex-chequer. Thus, under these circumstances, the Competent Authorities on initiation of disciplinary proceedings must ensure that the proceedings are concluded and final orders are passed without causing any undue delay.

6. This Court is of an opinion that even the charge memo has not been issued, the District Collector / first respondent should intervene and find out why there is a long delay in issuing the charge memo in respect of the disciplinary proceedings initiated against the writ petitioner. If there is any lapses, negligence or dereliction of duty on part of the Competent Authorities, thus the District Collector is bound to initiate action against all those officials also.

7. However, this Court is inclined to consider the writ petition on the ground that the writ petitioner is under

continuous suspension for more than 6 years and absolutely no progress in the disciplinary proceedings. Accordingly, the impugned order of suspension passed by the second respondent in proceedings Order No. Na.Ka.Aa 2/1680/2012 dated 11.03.2013 is quashed and the respondents are directed to reinstate the writ petitioner and post him in any one of the non-sensitive post till the conclusion of the departmental disciplinary proceedings.

8. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector/
Inspector of Panchayat,
Villupuram District,
Villupuram.

2.The Block Development Officer,
Kadavampakkam Panchayat,
Olakkur Panchayat Union,
Dindivanam (T.k.,)
Villupuram (D.t.,)

+2 cc's to Mr.I.Abraham Engles, Advocate Sr.No.15473

+1 cc to M/s.P.Rose Kamalam, Advocate Sr.No.15230

सत्यमेव जयते

W.P.No.11517 of 2018
and

W.M.P.Nos.13454 & 13455 of 2018

KK(CO)
CSL/26.02.2019

WEB COPY