

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.11061 of 2019

S.Ravi

...Petitioner

Vs

- 1.The State of Tamil Nadu rep by its
Secretary, Hindu Religious and Charitable Endowment,
Secretariat, George Town, Chennai - 09.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowment,
RTO Office Road, Vellore - 632 009.
3. The Executive Officer,
Arulmighu Uthira Ranganathar Swamy Thirukoil,
Pallikonda, Anaicattu Taluk, Vellore - 635 809.
4. The Trust Thakkar/Inspector,
Arulmighu Uthira Ranganathar Swamy Thirukoil,
Pallikonda, Anaicattu Taluk,
Vellore - 635 809.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorari, calling for the records in connection with the impugned order passed by the 4th respondent in viz.No.Na.Ka.No.6/2013 dated 07.10.2013 and consequential order passed by the 3rd respondent dated 07.10.2013, in so far as suspending the petitioner from service with effect from 07.10.2013 and quash the same.

For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.M.Maharaja,
Spl.Govt.Pleader (HR &CE)

O R D E R

The order of suspension dated 07.10.2013, is under challenge in the present writ petition. The writ petitioner was appointed as Office Assistant in proceeding dated 27.10.2010, by the 3rd respondent in Arulmighu Uthira Ranganathar Swamy Thirukoil, Pallikonda, on daily wages. The writ petitioner was promoted to the post of Maniakkarar @ Maniyam cum Writer and had been discharged his duties. On account of certain allegations, the departmental disciplinary proceedings are initiated against the writ petitioner and the writ petitioner is placed under suspension in proceeding dated 07.10.2013.

2. The grievances of the writ petitioner is that, he is under continuous suspension for more than 5 ½ years and the disciplinary proceedings are not continued by the respondents and it is pertinent to note that, the enquiry proceedings are yet to be commenced. Under these circumstances, further continuance of the suspension is certainly not preferable and the writ petitioner is to be reinstated and the disciplinary proceedings are to be continued by following the procedures contemplated.

3. Prolonged suspension is bad in law. On initiation of disciplinary proceedings, undoubtedly an employee shall be placed under suspension by the Competent Authority. However, the authorities competent must ensure that the departmental disciplinary proceedings initiated against the employees are concluded within a reasonable period of time. In the event of an enormous delay in concluding the departmental disciplinary proceedings, then the authorities competent must review the order of suspension for its revocation. If it is not possible for the authorities to conclude the departmental disciplinary proceedings, then the order of suspension can be revoked and the employees shall be reinstated into service and post in any one of the non-sensitive post till the conclusion of the departmental disciplinary proceedings as well as the criminal case registered against him. Contrarily, an employee cannot be kept under suspension for years together without any progress in departmental disciplinary proceedings.

4. In the case on hand, the order of suspension was issued long back and the writ petitioner is under continuous suspension without any progress in the departmental disciplinary proceedings as well as the criminal case. This being the factum of the case, this Court is of an opinion that there is no useful purpose would be served in keeping the writ petitioner under suspension for further period.

5. This Court is of the considered opinion that, on initiation of departmental disciplinary proceedings, the Competent Authorities must ensure that such proceedings are to be concluded within the reasonable period of time. In the present case on hand, the enquiry proceedings are not continued, and the writ petitioner is under continuous suspension for a long period and therefore, this Court is inclined to consider the case of the writ petitioner. Accordingly, the impugned order passed by the respondents No.3 and 4 in proceeding dated 07.10.2013, is quashed and the respondents are directed to reinstate the writ petitioner forthwith. However, it is made clear that, the writ petitioner may be posted in a non-sensitive post, till the disposal of the departmental disciplinary proceedings. Accordingly, the writ petition stands allowed. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pkn

To

- 1.The Secretary,
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+1 cc to Mr.K.Krishnamoorthy, Advocate, Sr.No. 38090
+1 cc to The Government Pleader, Sr.No. 38411

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EPP(CO)
CSL/06.06.2019