

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11938 of 2018

M.Sudhakar

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
 2. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Regional South Office,
Chennai - 600 020.
 3. The Zonal Officer, Zone-XI,
Greater Chennai Corporation,
Valasarawakkam,
Chennai - 600 087.
- ... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent herein passed in RDC(S) C.No.A2/1617/2018 dated 21.03.2018, quash the same and direct the respondents herein to reinstate the petitioner into service with all attended service benefits.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.R.Arunmozhi
Standing Counsel

O R D E R

The order of suspension dated 21.03.2018 is under challenge in the present writ petition.

2.The writ petitioner, who was working as Basic Health

Worker in the Corporation of Chennai, is placed under suspension on account of registration of a criminal complaint in FIR No.150 of 2018 for the offences punishable under Sections 341, 294(b), 336, 427, 392, 397, 506(2) IPC.

3.The learned counsel appearing on behalf of the writ petitioner states that the allegations in the criminal case is unconnected with the official functions of the writ petitioner. This apart, charge sheet has already been filed in the criminal case and trial is yet to be commenced.

4.This Court is of an opinion that, undoubtedly, the writ petitioner was arrested in a criminal case and was subsequently released on bail. Thus, an order of suspension was issued by the competent authorities and there is no infirmity as such in respect of initiation of disciplinary proceedings and issuance of suspension order by the 2nd respondent. However, the writ petitioner is under suspension for about one year. The respondents shall verify the status of the criminal case and accordingly, review the order of suspension periodically. If there is a delay of more than three years in disposing of the criminal case, then the case of the writ petitioner shall be considered for revocation of order of suspension and to post him in any of the non-sensitive posts. However, the fact remains that the charge sheet has already been filed in the criminal case and hence, it is left open to the respondents to review the order of suspension, considering the facts and circumstances of the case.

5.As of now, this Court cannot revoke the order of suspension, since, the allegations against the writ petitioner are serious and a criminal case has already been registered against him. The writ petitioner is at liberty to approach the respondents by way of filing a review application and in the event of submitting any such application, the respondents shall consider the same on merits and in accordance with law.

With these observations, the writ petition stands dismissed.
No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
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Rippon Building,
Chennai - 600 003.
2. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Regional South Office,
Chennai - 600 020.
3. The Zonal Officer, Zone-XI,
Greater Chennai Corporation,
Valasarawakkam,
Chennai - 600 087.

+lcc to Mr.R.Arunmozhi, Advocate, S.R.No.14678

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CS/25/03/2019



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