

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.03.2019
CORAM

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

W.P.No.12452 of 2018
and
W.M.P.No.14586 of 2018

S.Kaliyaperumal

..Petitioner

vs

The Block Development Officer
(Village Panchayat), Kurinjipadi Panchayat Union,
Kurinjipadi,Cuddalore District.

..Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.B1/171/2017, dated 27.04.2018 and quash the same and consequently direct the respondent to reinstate the petitioner into service as Overhead Tank Operator in Sirupalaiyur Village Panchayat, Kurinjipadi Taluk, Cuddalore District.

For Petitioner :Mr.C.Prakasam

For Respondent :Mr.I.Sathish

Additional Government Pleader for R1

O R D E R

The order of suspension dated 27.04.2018 is under challenge in the present writ petition.

2.The writ petitioner states that he was appointed as Over Head Tank Operator on 03.04.2000 in Sirupalaiyur Village Panchayat. On account of certain allegations, a criminal case was registered against the writ petitioner by the Puduchatram Police Station on 26.04.2018 and the petitioner was arrested. On account of the registration of a criminal case, the writ petitioner is placed under suspension by the respondent in proceedings dated 27.04.2018. If any criminal case is registered against the public servant, then the competent authority is empowered to place the employee under suspension for the purpose of the continuance of disciplinary proceedings.

3.In the present case on hand, the order of suspension has been issued on 27.04.2018 and therefore, the present writ petition deserves no consideration at this point of time. However, the competent authority has to review the order of suspension periodically based on the progress made both in the criminal case as well as in the departmental disciplinary proceedings.

4.It is made clear that some pendency of criminal case is not a bar for the continuance of the departmental proceedings. If the materials are available with the department, then the disciplinary authority is empowered to continue the departmental disciplinary proceedings based on the files available. However, all such grounds are to be considered by the competent authority at the time of reviewing the order of suspension. Even as per the Government orders, the order of suspensions are liable to be reviewed periodically.

5.Under these circumstances, the writ petitioner is at liberty to approach the competent authority for the purpose of reviewing the suspension order and in the event of submitting any such representation for review, the same shall be considered and an order is to be passed on merits and in accordance with law.

6.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Block Development Officer
(Village Panchayat)
Kurinjipadi Panchayat Union,
Kurinjipadi,Cuddalore District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.25880

W.P.No.12452 of 2018

mg (co)
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