

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 09.01.2019

CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NOS. 21845 & 21846 OF 2018
AND
W.M.P. NOS. 25620 TO 25623 OF 2018

K.Ravikumar .. Petitioner in WP 21845/2018

E.Nanjundan .. Petitioner in WP 21846/2018

- Vs -

1. The Commissioner of Municipal
Administration, Chepauk
Chennai 600 005.

2. The Regional Director of
Municipal Administration
Tirupur - 2.

3. The Commissioner
Coonoor Municipality
Coonoor.

.. Respondents in both petitions

Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari to call for the records on the file of the 3rd respondent in relation to the impugned order in ROC-1294/2016/C1 dated 15.04.2016 placing the petitioner under suspension, quash the same.

For Petitioners : Mrs.P.Dakshayani Reddy for
Mr. P.Nethaji

For Respondents : Ms.Thangavadhana Balakrishnan, AGP
for RR-1 & 2

Ms. A.Srijayanthi for R-3

COMMON ORDER

The present writ petitions have been filed by the petitioner for quashment of the impugned orders and to reinstate the petitioners in service with all attendant benefits.

2. It is the case of the petitioners that they were functioning as Assistant/Marketing Superintendent and Revenue Officer in Coonoor Municipality. Based on certain reports,

cases were registered by the Vigilance and Anti Corruption Department, but the names of the petitioners do not find a place in the FIR. The petitioners were kept under suspension since April, 2016. neither the petitioner has been proceeded departmentally nor final report has been filed in the vigilance case stated to have been filed against the petitioner. Therefore, left with no alternative, the present petitions have been filed.

3. Mrs.Thangavadhana Balakrishnan, learned Addl. Government Pleader takes notice for respondents 1 and 2 and Ms.Srijeyanthi, learned standing counsel takes notice for the 3rd respondent.

4. In the case of Ajay Kumar Choudhary - Vs - Union of India (2015 (7) SCC 291), the Supreme Court had deprecated the act of the employers in keeping its employees under prolonged suspension. The Supreme Court has laid down that suspension of an employee is injurious to his interests and must not be continued for an unreasonable long period; the currency of suspension order should not extend beyond three months if within this period the memorandum of charges/charge sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge sheet is served, a reasoned order must be passed for extension of suspension.

5. In the case on hand, a perusal of the records reveal that the order of suspension has been passed way back in the year 2016. Though the allegations are serious in nature, neither the petitioner has been proceeded departmentally nor final report has been filed in the vigilance case stated to have been filed against the petitioner. Such being the case, keeping the employees under suspension for around two years, as laid down by the Supreme Court, would be injurious to the employees. Therefore, the suspension orders have to be set aside.

6. Accordingly, for the reasons aforesaid, this writ petitions are disposed of by directing the respondents to revoke the orders of suspension and with a further direction to the respondents to post the petitioners in a non-sensitive post by imposing reasonable conditions. The respondents shall further take all steps to complete the criminal case at the earliest point of time. Consequently, connected miscellaneous petitions closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GLN

To

1.The Commissioner of Municipal
Administration, Chepauk
Chennai 600 005.

2.The Regional Director of
Municipal Administration
Tirupur - 2.

3.The Commissioner
Coonoor Municipality
Coonoor.

+2ccs to Mr.P.Nethaji, Advocate, S.R.No. 2282

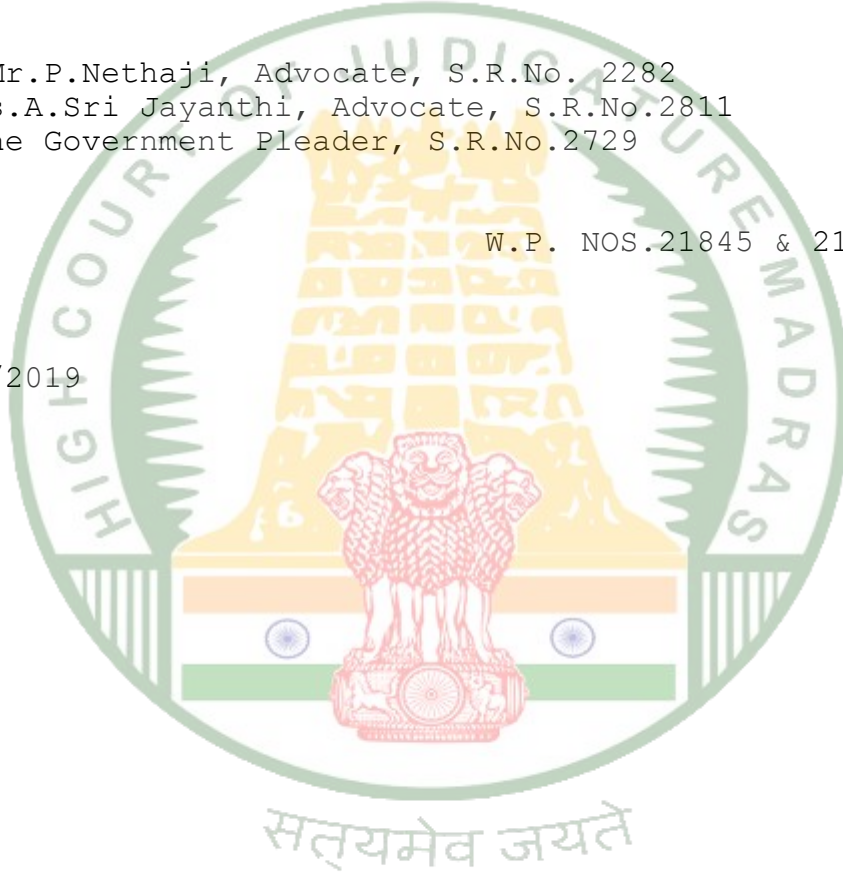
+1cc to Ms.A.Sri Jayanthi, Advocate, S.R.No.2811

+1cc to the Government Pleader, S.R.No.2729

W.P. NOS.21845 & 21846 OF 2018

EV(CO)

rrs 21/01/2019



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