

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.No.1842 of 2019  
and  
C.M.P.No.12485 of 2019

1.The Principal Secretary to Government,  
Municipal Administration and  
Water Supply (ME.4) Department,  
Fort St. George,  
Chennai - 600 009.

2.The Commissioner,  
Municipal Administration Department,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

... Appellants/Respondents

Vs.

T. Kumar

...Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against  
the order dated 06.12.2018 in W.P.No.27244 of 2018 on the file  
of this Court.

W.P.No.27244 of 2018:

Writ Petition filed under Article 226 of the Constitution of  
India, praying for the issuance of a Writ of Certiorarified  
Mandamus, to call for the records of the 1st Respondent in  
connection with the order passed in Reference G.O.(2D)No.18  
Municipal Administration and Water supply(ME-4) Department dated  
7.3.2018 and quash the said proceedings and direct the First  
Respondent to reinstate the petitioner into service with  
backwages and with all attendant benefits.

For Appellants : Mrs.A. Sri Jayanthi  
Special Government Pleader

For Respondent : Mr.R.Thirugnanam

JUDGMENT

(Judgment of the Court was made by K.K.SASIDHARAN, J.)

The learned Single Judge allowed the Writ Petition filed by the respondent and a Mandamus was issued to revoke the suspension and to reinstate him into service. The said order is under challenge at the instance of the appellants.

2. Heard the learned Special Government for the appellants and the learned counsel for the respondent.

3. The respondent was placed under suspension pursuant to an allegation of receipt of illegal gratification. The order of suspension was on 07.03.2018. Since the suspension order was not revoked, the respondent filed the Writ Petition in W.P.No.27244 of 2018. The learned Single Judge found that the charge sheet has already been filed. However, the trial was not completed. The learned Single Judge therefore quashed the suspension and directed reinstatement.

4. We are of the view that the learned Single Judge was not justified in quashing the order of suspension. The learned Single Judge ought to have directed the appellants to decide the question of continued suspension.

5. We set aside the order dated **\*7<sup>th</sup> March 2018**. We direct the **\*first** appellant to review the suspension of the respondent and take a decision as to whether he should be placed on suspension indefinitely. Such exercise, on merits, shall be completed by the **\*Ist** appellant within three months from the date of receipt of a copy of this judgment.

6. The intra Court appeal is allowed as indicated above. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-

Assistant Registrar (CS VI)

Dated: 04/07/2019

\*Corrected as per  
order dated 17/07/2019 made in  
WA No.1842 of 2019 and CMP No.12485/19  
Sd/-  
Assistant Registrar (CCC)  
Dated: 19/07/2019

True Copy

Sub-Assistant Registrar

mps/tar

To

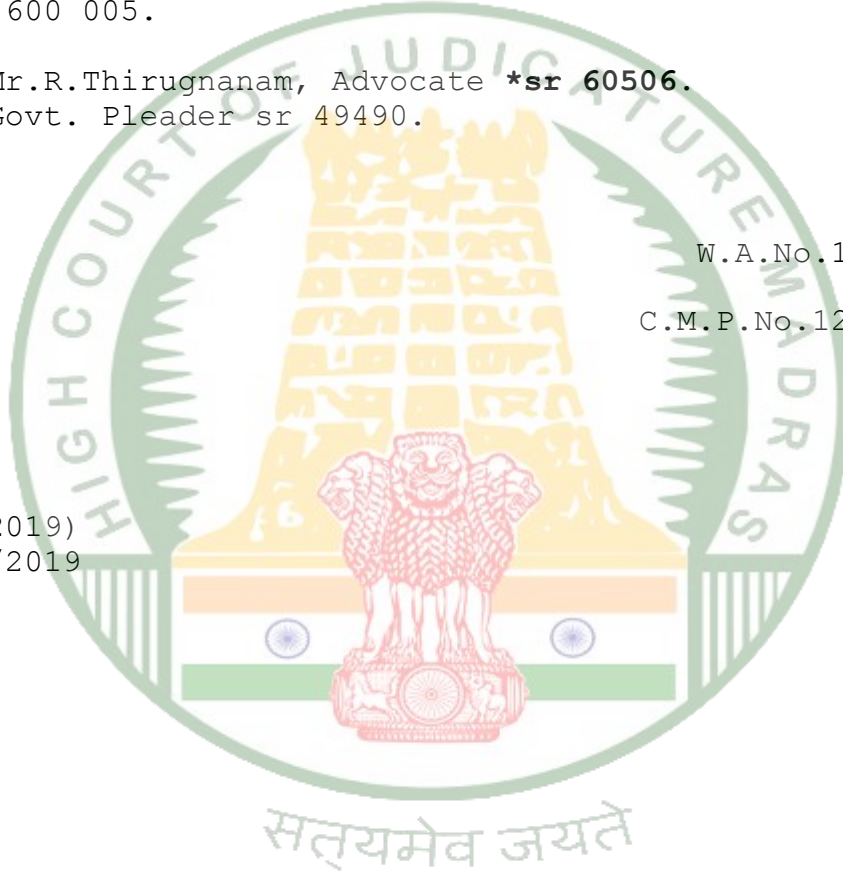
1.The Principal Secretary to Government,  
Municipal Administration and  
Water Supply (ME.4) Department,  
Fort St. George,  
Chennai - 600 009.

2.The Commissioner,  
Municipal Administration Department,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

+1 CC to Mr.R.Thirugnanam, Advocate \*sr 60506.  
+1 CC to Govt. Pleader sr 49490.

W.A.No.1842 of 2019  
and  
C.M.P.No.12485 of 2019

BS(CO)  
SP(05/07/2019)  
srg 22/07/2019



WEB COPY