

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20996 of 2019
and W.M.P.No.20174 of 2019

Jeganathan

..Petitioner

Vs

1. The Commissioner
Sirkazhi Municipality
Sirkazhi
Nagapattinam District

2. The Regional Director of Municipal Administration
Thanjavur-613 001

..Respondents

Prayer:-

This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records in Na.Ka.No.1057/2019/C.1 dated 17.06.2019 on the file of the 1st respondent and quash the same and consequently directing the 1st respondent to reinstate the petitioner with full back wages and to pass such further orders.

For Petitioner : Mr.M.Kamaraj

For Respondents : Mr.V.Jayaprakash Narayanan
takes notice for R1.

ORDER

The Petitioner has come forward with the present writ petition challenging the impugned order of suspension dated 17.06.2019 passed by the 1st respondent.

2. According to the petitioner, he received the communication from the 1st respondent on 27.06.2019 stating that he was suspended from duty by proceedings in Na.Ka.No.1057/2019/C1 dated 17.06.2019.

3. The general principle is than an employer can suspend an employee pending an enquiry into his conduct. Suspension is also held to be not a punishment by the Supreme Court. Therefore,

right to the employee is very limited as against the suspension order passed against him and the suspension order cannot be questioned unless it is without jurisdiction.

4. In this case, a perusal of the impugned order shows that, it is only a temporary suspension order. Hence, the same cannot be interfered with at this stage. It is categorically stated in the suspension order that the employee will be paid subsistence allowance. In such circumstances, this court is not inclined to interfere with the order of suspension dated 17.06.2019 passed against the petitioner. Further, in the considered opinion of this court, the impugned order is not at all an order of punishment.

5. It is open to the employer to proceed against the employee by issuing necessary charge sheet and notice, in accordance with the statute and proceed with the enquiry on day to day basis without adjourning the matter beyond 15 working days at any point of time.

6. The Apex Court in the case of State of TN vs. Promod Kumar IPS and another, reported in AIR 2018 SC 4060 and also Ajay Kumar Choudhary vs. Union of India through its Secretary and another, reported in 2015 (3) CTC 119 held that there should not be prolonged suspension and the authority concerned has to consider for reinstatement of the suspended employee in a non-sensitive post.

7. With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected MP is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Commissioner
Sirkazhi Municipality
Sirkazhi, Nagapattinam District

2. The Regional Director of Municipal Administration
Thanjavur-613 001

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.63327
+1cc to Mr.M.Kamaraj, Advocate, S.R.No. 62487

WP.No.20996 of 2019

PPA (CO)
CS/25/09/2019



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