

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.33990 of 2019
and WMP.No.34581 of 2019

M.Sankar

..Petitioner

Vs.

1.The Divisional Engineer (Highway),
Construction and Maintenance Work,
Krishnagiri,
Krishnagiri District.

2.The Assistant Divisional Engineer (Highway),
Construction and Maintenance Work,
Uthangarai,
Krishnagiri District.

3.The Assistant Engineer,
Uthangarai,
Krishnagiri District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of suspension in se/mu/ka.no.152/2019/Aa3 dated 08-08-2019 issued by the 1st respondent and quash the same and consequently direct the respondents to permit the petitioner to resume into service.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice on behalf of the respondents.

2.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed challenging the suspension order passed by the first respondent and to direct the respondents to permit the petitioner to get back into service.

4.The petitioner was working as a Gang Masthur from the year 1997. He was arrested pursuant to an F.I.R., registered in Crime No.264 of 2019. Pursuant to his arrest, he was suspended from service on 08.08.2019, by the first respondent.

5.The petitioner has challenged the suspension order on the ground that the F.I.R., that was registered against him has now become the subject matter of challenge before this Court in CrI.O.P.No.24724 of 2019 and the investigation has also been stayed.

6.Heard Mr.K.Thilageswaran, learned counsel appearing for the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, appearing on behalf of the respondents.

7.This Court is not inclined to interfere with the order of suspension at this stage. However, the petitioner has already made a representation to the respondents seeking for the cancellation of the suspension order and to permit him to resume his service. This representation is pending. Therefore, this Court deems it fit to give appropriate directions to the first respondent to consider the representation of the petitioner dated 05.11.2019 on its own merits.

8.This writ petition is disposed of with a direction to the first respondent to consider the representation made by the petitioner on 05.11.2019 and pass appropriate orders on its own merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to give a representation along with a copy of this order to the first respondent. There shall be no order as to costs. Connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

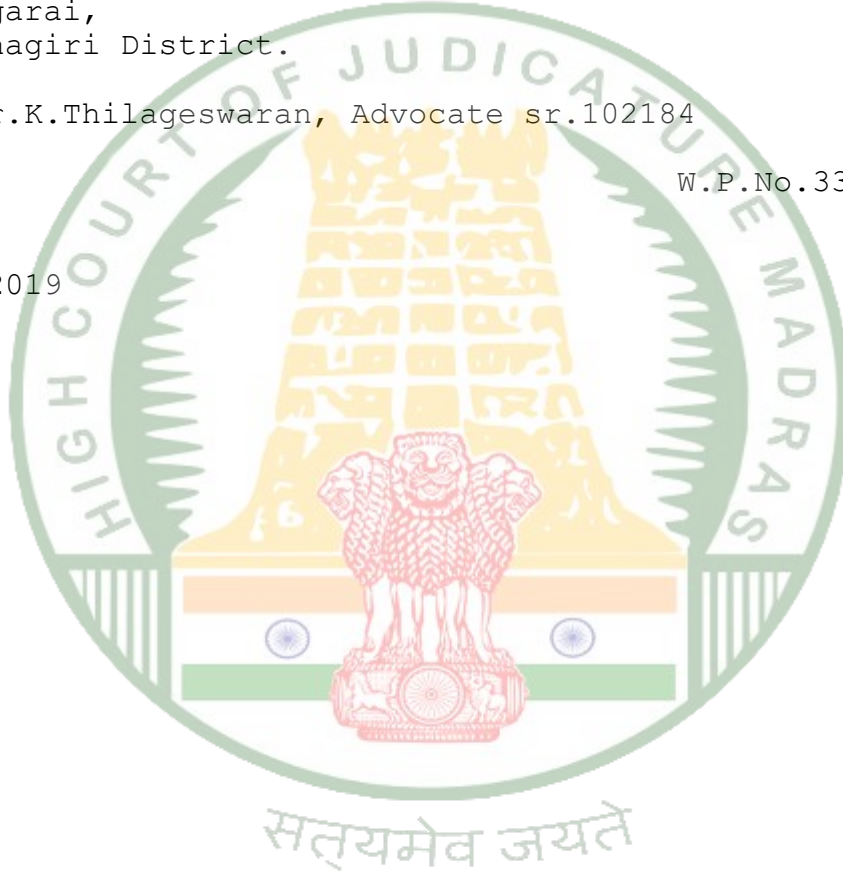
To

- 1.The Divisional Engineer (Highway),
Construction and Maintenance Work,
Krishnagiri,
Krishnagiri District.
- 2.The Assistant Divisional Engineer (Highway),
Construction and Maintenance Work,
Uthangarai,
Krishnagiri District.
- 3.The Assistant Engineer,
Uthangarai,
Krishnagiri District.

+1cc to Mr.K.Thilageswaran, Advocate sr.102184

W.P.No.33990 of 2019

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