

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.34019 of 2019
and
W.M.P.No.34619 of 2019

Mrs.K.Shantha

..Petitioner

Vs.

1.The Commissioner of Social Welfare,
No.1, Panagal Maligai Building,
2nd Floor, Near Kalaignar Arch,
Jeenis Road, Saidapet,
Chennai - 600 015.

2.The District Social Welfare Officer,
Dharmapuri 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 of the 1st respondent herein culminating in R.O.C.No.19035/ADMN 5-1/2019, dated 20.6.2019 on the file of the 1st respondent herein and to quash the same and consequently direct the 1st respondent herein to reinstate the petitioner in service within the time as may be stipulated by this Court.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the suspension order passed by the first respondent and for consequential direction to direct the first respondent to reinstate the petitioner into service.

2.It is seen from records that the petitioner was working as Extension Officer at Pennagaram Panchayat Union office under Social Welfare Department. The petitioner was caught red handed by laying a trap and the petitioner was arrested pursuant to registration of F.I.R., by Vigilance and Anti-corruption Department in Crime No.3/AC/2019 dated 19.06.2019.

3.The petitioner was suspended from service pending enquiry due to grave criminal charges. The suspension order was passed by the first respondent on 20.06.2019.

4.The grievance of the petitioner is that she has been kept under suspension for more than three months and no charge memo has been given till date and no orders have also been passed justifying the continued suspension of the petitioner. The petitioner has also given a representation to the first respondent on 18.07.2019 in this regard.

5.Heard Mr.M.Santhanaraman, learned counsel appearing for the petitioner and Mrs.K.Bhuvaneswari, learned Additional Government Pleader, appearing for the respondents.

6.Considering the gravity of the allegations made against the petitioner, this Court is not inclined to interfere with the suspension order. The learned counsel for the petitioner has brought to the notice of this Court, the judgement of the Hon'ble Supreme Court in the case of State of Tamilnadu Vs. Pramod Kumar IPS and another dated 21.08.2018. The Hon'ble Supreme Court while dealing with the similar issues and after considering the earlier judgment of the Supreme Court in Ajay Kumar Choudhary Vs. Union of India, (2015) 7 SCC 291 has held that suspension must necessarily be for a short duration and if a continued suspension is required pending grave charges, a reasoned order must be passed, failing which, the continuation of suspension will become illegal and it will also deprive the delinquent to have a fair trial in the criminal case.

7.There is absolutely no controversy with regard to the position of the law on this issue and it is now well settled. The petitioner has already given a representation to the first respondent on 18.07.2019 and the same is pending. Therefore, it will be appropriate to direct the first respondent to consider the representation and pass necessary orders on its own merits and in accordance with law and after taking into consideration the judgment of the Hon'ble Supreme Court.

8.This writ petition is disposed of with a direction to the first respondent to consider the representation made by

the petitioner on 18.07.2019 and pass 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 to the first respondent along with the copy of this order and along with representation dated 18.07.2019. There shall be no order as to costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

rm

To:

1.The Commissioner of Social Welfare,
No.1, Panagal Maligai Building,
2nd Floor, Near Kalaignar Arch,
Jeenis Road, Saidapet,
Chennai - 600 015.

2.The District Social Welfare Officer,
Dharmapuri District.

+1cc to Mr.M.Santhanaraman, Advocate SR.No.101999

W.P.No.34019 of 2019

RGN(CO)
GMY(10/12/2019)

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