

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.35274 of 2019
and W.M.P No.36074 of 2019

C.Sakthivel

Petitioner

vs.

1. Periyar University,
Rep. by its Registrar,
Periyar University,
Periyar Palgalai Nagar,
Salem 636 011.
2. The Vice Chancellor,
Periyar University,
Periyar Palgalai Nagar,
Salem 636 011.
3. The Registrar In-charge,
Periyar University,
Periyar Palgalai Nagar,
Salem 636 011.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 29.10.2019 passed by the 3rd respondent in PU/R/R6/197/2019-5, placing the petitioner under suspension with immediate effect, pending enquiry into the charges leveled against her in the Charge Memo Dated 04.10.2019, quash the same and consequently direct the respondents to reinstate the petitioner, with continuity of service, back wages and all other attendant benefits, by treating the period of suspension as duty with pay for all purposes, Award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents: Mr.P.Godson Swaminath

O R D E R

This writ petition has been filed challenging the suspension order passed by the 3rd respondent dated 29.10.2019.

2.The case of the petitioner is that he was working as Staff of the Periyar University and a suspension order came to be issued against him on 29.10.2019 pending grave charges of indiscipline and misconduct. The grievance expressed by the petitioner is that the charges that have been made against the petitioner even as per the show cause notice that was given to the petitioner, does not warrant a major penalty and therefore, suspension is a harsh punishment that has been given against the petitioner even before any enquiry was conducted. The petitioner has also made a representation on 20.11.2019 to the 1st respondent, requesting for revocation of the suspension order and the same has not been considered till date.

3.Heard Mr.V.Ajoy Khose, learned counsel appearing on behalf of the petitioner and Mr.P.Godson Swaminath, learned Standing Counsel appearing on behalf of the respondents.

4.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has also made a representation to the 1st respondent seeking for revocation of the suspension order, this Court is not inclined to interfere with the suspension order at this stage. It would be fit and proper to direct the 1st respondent to consider the representation made by the petitioner for revocation of the suspension order and pass appropriate orders.

5.This writ petition is disposed of with a direction to the 1st respondent to consider the representation made by the petitioner on 20.11.2019 and deal with the same on its own merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the earlier representation dated 20.11.2019 and also a copy of this order. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

ssr

To

1. The Registrar,
Periyar University,
Periyar Palgalai Nagar,
Salem 636 011.

2. The Vice Chancellor,
Periyar University,
Periyar Palgalai Nagar,
Salem 636 011.

3. The Registrar In-charge,
Periyar University,
Periyar Palgalai Nagar,
Salem 636 011.

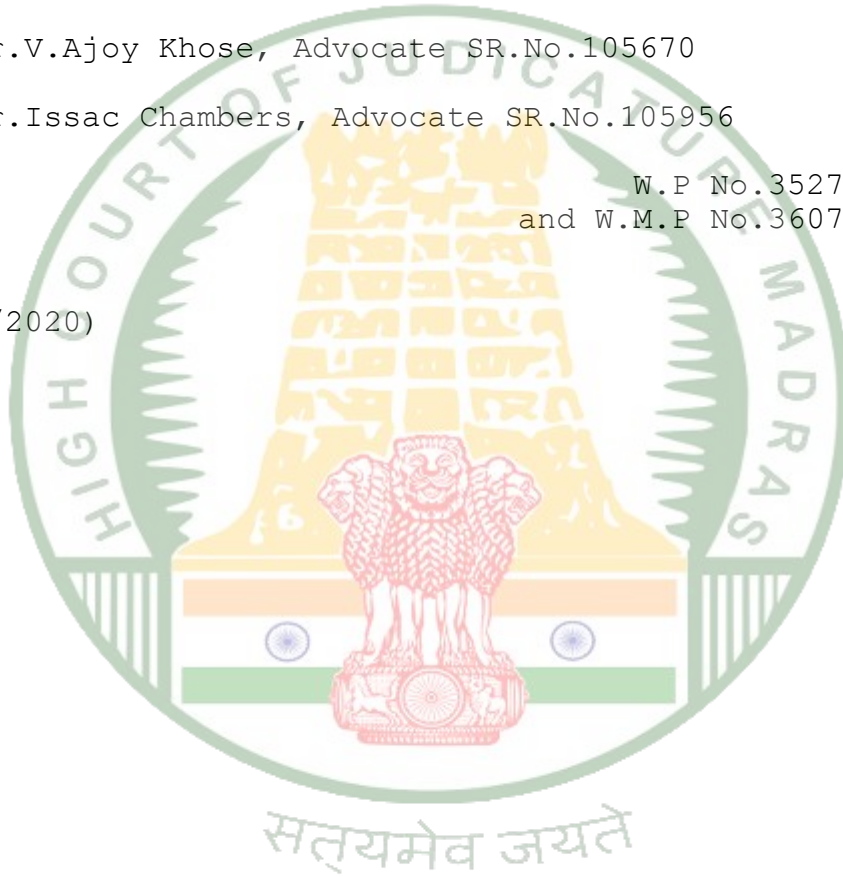
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ajoy Khose, Advocate SR.No.105670

+1cc to Mr.Issac Chambers, Advocate SR.No.105956

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VSN II(CO)
GMY(29/01/2020)



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