



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2019
CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P(MD)No.45 of 2019
and
WMP(MD)Nos.24 and 25 of 2019

Selvarathinam

... Petitioner

vs.

1. The District Collector,
Pudukottai District,
Pudukottai.

2. The Tahsildar,
Avudaiyarkovil Taluk,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to review the suspension order passed in his proceedings Rc.No.1146/2018/A3 dated 17.07.2018 in the light of the Apex Court Judgement reported in 2015 3 CTC 119 (Ajay Kumar Choudhary Vs. Union of India and others).

For Petitioner	:	Mr.T.Lenin Kumar
For Respondents	:	Mr.Aayiram K.Selvakumar Additional Government Pleader

O R D E R

This writ petition has been filed seeking direction to the second respondent to review the suspension order passed in Rc.No.1146/2018/A3 dated 17.07.2018 in the light of the judgment of the Hon'ble Apex Court reported in 2015 3 CTC 119 (Ajay Kumar Choudhary Vs. Union of India and others).

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.According to the petitioner, the petitioner was working as Village Assistant at Ramanathapuram Revenue Village. While so, a case in Crime No.3 of 2016 came to be registered against one Deiveegan, who is the Secretary of Senganam Village Panchayat along with 13 others including the petitioner herein, for the offence punishable under Sections 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988 and also under Sections 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Subsequently, departmental proceedings were initiated against the



petitioner and he was suspended from service vide the proceedings of the second respondent dated 17.07.2018 in Rc.1146/2018/A3 and in order to review the same, this writ petition has been filed before this Court.

4. According to the learned counsel for the petitioner, no charge memo has been issued against the petitioner, even after a lapse of five months from the date of issuance of the suspension order. The impugned suspension order is vitiated on the ground of prolonged suspension and therefore, the second respondent can be directed to review the aforesaid suspension order.

5. The learned Special Government Pleader for the respondents submitted that the petitioner was suspended from service on the allegation of misappropriation and enquiry is pending against him under Section 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Pending enquiry, the impugned suspension order was passed. Therefore, there is no error or illegality in the order passed by the first respondent and the same does not require any interference by this Court.

6. A perusal of the impugned order clearly shows that the petitioner was suspended from service for his grave misconduct and violation of Rule 20(1) of the Tamil Nadu Government Servant Conduct Rules, 1973 and pending enquiry, the impugned order of suspension cannot be interfered by this Court.

7. Taking note of the facts and circumstances and having regard to the submissions made on either side, this Court is of the view that there is no infirmity in the subsuspension order passed by the second respondent. However, this Court, in the interest of justice, directs the second respondent to issue charge memo to the petitioner within a period of four weeks from the date of receipt of a copy of this order and after receipt of explanation from the petitioner, the second respondent shall complete the disciplinary proceedings within a period of six months thereafter and pass final orders on merits and in accordance with law. The petitioner shall also cooperate with the enquiry for early conclusion.

8. The writ petition is disposed of with the above observation. No costs. Consequently, WMP(MD)Nos.24 and 25 of 2019 are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //



To

1. The District Collector,
Pudukottai District,
Pudukottai.

2. The Tahsildar,
Avudaiyarkovil Taluk,
Pudukottai District.

+ 1 CC to The Special Government Pleader SR.No.71136

W.P(MD)No.45 of 2019

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