



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND**

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.78 OF 2019

and

C.M.P(MD)No.441 of 2019

S.Krishna Mohan

: Appellant/Petitioner

.vs.

1.The State of Tamil Nadu,
represented by its Additional Chief Secretary,
Industries Department,
Secretariat,
Chennai.

2.The Principal Secretary to Government,
Industries Department,
Secretariat,
Chennai.

3.The Commissioner of Geology and Mining,
Guindy,
Chennai.

4.The Director,
Department of Geology and Mining,
Industrial Estate,
Guindy,
Chennai.

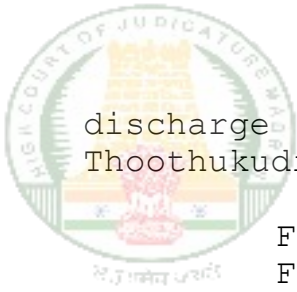
5.The District Collector,
Thoothukudi District,
Thoothukudi.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.23094 of 2018, dated 20.11.2018.

Prayer in WP(MD). 23094/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in his proceedings in G.O.(D) No.45, Industries (E.1) Department dated 21.03.2017 and quash the same and consequently directing the Respondents herein to permit the petitioner to



discharge his duties as Assistant Director of Geology and Mining, Thoothukudi District with all other attendant benefits.

For Appellant : Mr.D.Srinivasaraghavan
For Respondents : Mr.N.Shanmugaselvam
Addl.Govt.Pleader

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JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the Writ Court made in W.P(MD)No.23094 of 2018, dated 20.11.2018, in disposing the Writ Petition, with certain directions.

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

3.The appellant is the Writ Petitioner. The Writ Petition was filed challenging the order of suspension, dated 21.3.2017 with consequential relief to permit the Petitioner to discharge his duties as Assistant Director of Geology and Mining, Thoothukudi District.

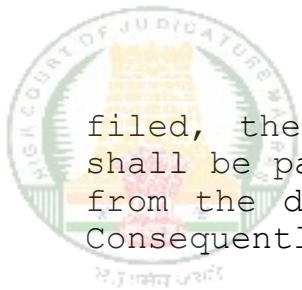
4.The grievance of the Petitioner is that he was placed under suspension for a very long period, without completing the disciplinary proceedings.

5.The Writ Court found that the prayer sought for in the Writ Petition is untenable and further observed that the respondents cannot keep the Writ Petitioner under suspension without progress in the enquiry and that they have to take a decision to change the Enquiry officer or to appoint a new Enquiry Officer and proceed with the enquiry and complete the same within a reasonable time.

6.Though the Writ Appeal is filed challenging the above said order of the Writ Court, it is submitted by the learned counsel for the appellant that it is enough if the appellant is given liberty to approach the respondents and to file an application seeking for review of the suspension.

7.The learned Additional Government Pleader appearing for the respondents submitted that the enquiry is in progress and the proceedings will be completed shortly. In any event, as the appellant seeks for addressing the respondents by way of representation, seeking for review of the suspension, We are not inclined to express any view on the merits of the claim made by the Petitioner as against the order of suspension.

8.Therefore this Writ Appeal is disposed of only by granting liberty to make such application before the concerned authorities seeking for review of suspension and if any such application is



filed, the same shall be considered on its own merits and orders shall be passed in accordance with law, within a period of six weeks from the date of receipt of a copy of the application. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Industries Department,
Secretariat,
Chennai.
- 2.The Principal Secretary to Government,
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- 3.The Commissioner of Geology and Mining,
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- 4.The Director,
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Industrial Estate,
Guindy,
Chennai.
- 5.The District Collector,
Thoothukudi District,
Thoothukudi.

+1 CC to SPL GP (SR-76013[F] dated 18/07/2019)

+1 CC to Mr.D.SRINIVASARAGAVAN, Advocate (SR-76106[F] dated 18/07/2019)

JUDGMENT MADE IN
W.A(MD) NO. 78 OF 2019
and
C.M.P(MD) No. 441 of 2019
17.07.2019

vsn

MK (30.07.2019) 3P 8C