



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.15144 of 2016

and

W.M.P. (MD) Nos.11154 and 14399 of 2016

T.Meenakshisundaram

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Ramanathapuram District,
Ramanathapuram,
Ramanathapuram Post & District.

2. The Tahsildar,
Paramakudi Taluk Office,
Paramakudi Post,
Ramanathapuram District.

3. Mr.M.Syed Mohamed

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order of suspension passed by the first respondent in Roc.A5/37469/2016, dated 09.08.2016, quash the same and consequently, direct the respondents to reinstate the petitioner in service with all attendant benefits, by regularizing the period of suspension as duty.

For Petitioner : Mr.M.Saravanakumar

For R1 and R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.K.Kumaravel

ORDER

This Writ Petition has been filed seeking to quash the impugned order of suspension passed by the first respondent in Roc.A5/37469/2016, dated 09.08.2016, and consequently, direct the respondents to reinstate the petitioner in service with all attendant benefits, by regularizing the period of suspension as duty.

2.The petitioner has challenged the impugned suspension order dated 09.08.2016, passed by the first respondent under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal)



Rules on the ground that the same has been passed in view of a complaint given by one Selvi.Karthika against the petitioner alleging an act of sexual harassment, but, the very same Karthika has given two letters to the Department on 06.08.2016 and on 08.08.2016, withdrawing her complaint and also requesting the Department not to take action against the petitioner, however, the first respondent has hurriedly passed the said impugned suspension order. Considering the said fact, this Court, by order dated 18.08.2016, granted an order of interim stay until further orders. Pursuant to the interim order granted by this Court, dated 18.08.2016, the first respondent, vide order dated 01.09.2016, has revoked the suspension order. Now, the petitioner has been working as Deputy Tahsildar, Kilakarai, Ramanathapuram District.

3.The learned Additional Government Pleader appearing for the respondents submitted that one Selvi.Karthiga, who is working in the Taluk Office, Paramakudi, gave a complaint of sexual harassment against the petitioner. The Revenue Officials Association also forwarded a petition to the District Collector, Ramanathapuram, and requested to take action against the petitioner. A preliminary report was sought from the Tahsildar, Paramakudi, about the complaint. The Tahsildar, Paramakudi, submitted his report dated 08.08.2016, confirming the averments made in the complaint. Subsequently, the first respondent forwarded the petition to the Statutory Internal Complaints Committee formed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, based on the guidelines issued by the Hon'ble Apex Court in **Vishaka and others Vs. State of Rajasthan and others** reported in **1997 (6) SCC 241**. Hence, the petitioner was immediately placed under suspension by the first respondent, for safeguarding the right of the victim. The complainant had divulged in detail about the acts of the petitioner to the Internal Complaints Committee in her statements and also revealed that she and her mother was forced and intimidated by the petitioner for withdrawing the complaint made against him and forced to sign a document in the presence of a Notary. The Internal Complaints Committee has conducted an enquiry and submitted a conclusive report and recommended for departmental criminal action against the petitioner. Pursuant to the said report, a case in Crime No.10 of 2016 has been registered against the petitioner and the same is pending before the All Women Police Station, Paramakudi. Subsequently, the above said suspension order passed by the first respondent has been revoked and based on the Committee report, charges have been framed against the petitioner and the same are pending before the authorities concerned.

4.Taking note of the abovesaid submissions that the complaint against the petitioner had already been forwarded to the Internal Complaints Committee and the said Committee had also submitted a conclusive report to the authorities and



recommended to take criminal action against the petitioner and now, both the criminal case as well as the departmental proceedings are pending and the suspension order has been revoked, this Court directs the first respondent to proceed with the departmental enquiry, conclude the same and pass final orders as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. The learned counsel appearing for the petitioner has given an undertaking before this Court that the petitioner would co-operate for the enquiry to be conducted by the authorities. It is open to the respondents to pass fresh suspension order pending above said enquiry proceedings, if the petitioner is not co-operating with the enquiry. The respondents are directed to furnish copies of documents, whenever the petitioner makes a request.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

Sub Assistant Registrar (CS)

Smn2

To

1. The District Collector,
Collectorate,
Ramanathapuram District,
Ramanathapuram,
Ramanathapuram Post & District.

2. The Tahsildar,
Paramakudi Taluk Office,
Paramakudi Post,
Ramanathapuram District.

+ 1 CC TO Mr.M.Saravanakumar, ADVOCATE IN SR No.71261

+ 1 CC to The Special Government Pleader SR.No.71472

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25.06.2019

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