



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WEB COPY

WP(MD)No.16996 of 2019 and
WMP(MD).No.13563 of 2019

R. Patchaiappan

... Petitioner

Vs.

1.The Additional Chief Secretary,
Tourism Culture and Religious Endowment Department,
St. George's Fort,
Chennai.

2.The Principal Secretary-Cum-Commissioner,
Hindu Religious Endowment Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai - 34.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned suspension order passed by the 1st respondent in G.O(D).No.91,Tourism, Culture and Religious Endowments (RE.2-2) Department, dated 11.07.2019 and quash the paragraph No.3 of the suspension order and consequently direct the first respondent to pass orders to fix the place of headquarters of the petitioner during the suspension period, should be either at Madurai or at Thirunelveli.

For Petitioner : Mr. A.R.L. Sundaresan
Senior Counsel
for Mr. K. Muthumalai

For Respondents : Mr. V.R. Shanmuganathan
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned suspension order passed by the 1st respondent in G.O(D).No.91, Tourism, Culture and Religious Endowments (RE.2-2) Department, dated 11.07.2019, especially paragraph No.3 of the suspension order and consequently, direct the first respondent to pass orders fixing the place of headquarters of the petitioner during the suspension period, either at Madurai or at Tirunelveli.

2. Mr.V.R. Shanmuganathan, learned Special Government Pleader took notice for the respondents. By consent, this Writ Petitioner is taken up for final disposal at the admission stage itself.



3. According to the petitioner, he was working as Joint Commissioner in Hindu Religious Endowment Department at Madurai. Based on the complainant dated 02.07.2019 preferred by the complainant alleging serious sexual allegation against the petitioner, he was arrested by the police on 04.07.2019 and thereafter, the first respondent has passed the impugned suspension order against him. Challenging the aforesaid impugned suspension order, the petitioner has filed the present Writ Petition before this Court.

4. Pursuant to the suspension order passed by the first respondent, the petitioner has sent a representation dated 24.07.2019 to the respondents requesting the change of place of the Headquarters, but, the said representation has not been considered by the first respondent. Hence, petitioner has filed the present Writ Petition before this Court challenging the impugned suspension order passed by the first respondent.

5. The learned Senior Counsel appearing for the petitioner would submit that the petitioner has been placed under suspension and directed to stay at Nagapattinam. The petitioner has sent a representation dated 24.07.2019 to the respondents requesting the change of place of the Headquarters. As per Rule 54-B (4) of Fundamental Rules, the Headquarters of a Government Servant under suspension is his last place of duty. A Government Servant under suspension may change his headquarters provided the competent authority who has placed him under suspension is satisfied that such a course will not put Government to any extra expenditure like grant of travelling allowance, so he is entitled to be stayed at Madurai since his last working place was at Madurai.

6. The learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner will be considered by the first respondent on merits forthwith.

7. Considering the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 24.07.2019 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, in any event, not later than 10 days from the date of receipt of a copy of this order, after providing an opportunity of hearing to the parties concerned.

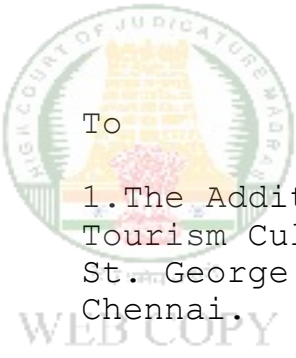
8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

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St. George's Fort,
Chennai.

2.The Principal Secretary-Cum-Commissioner,
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+1 CC to M/s.K.MUTHUMALAI, Advocate (SR-79186[F] dated 01/08/2019)

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