



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.17926 of 2019

and

W.M.P. (MD) Nos.14376 & 14377 of 2019

P.Marimuthu

...Petitioner

Vs.

1.The Director of Local Fund Audit,
Nandhanam,
Chennai 600 035.

2.The Deputy Director of Local Fund Audit,
Nandhanam,
Chennai 600 035.

3.The Regional Joint Director,
Department of Local Fund Audit,
Chinna Chokkikulam,
Madurai.

4.The Assistant Director,
Department of Local Fund Audit,
Sivagangai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order in R.C.No.8718/O.Na.1/2019 dated 26.04.2019 on the file of the second respondent and quash the same and consequently, direct the respondents to reinstate the petition in service with all consequential benefits.

For Petitioner :Mr.V.Kannan

For Respondents :Mr.A.Muthukaruppan
Additional Government Pleader



ORDER

This Writ Petition has been filed to quash the order passed in R.C.No.8718/O.Na.1/2019 dated 26.04.2019, by the second respondent and to direct the respondents to reinstate the petitioner in service with all consequential benefits.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner/husband, while he was working in the fourth respondent office, based on the complaint given by one Uma Nachiyar/wife, a case in Crime No.139 of 2019 for the offences punishable under Sections 294(b), 323 and 506 (i) IPC and an another case in Crime No.185 of 2019 for the offences punishable under Sections 147, 294(b), 323, 448 and 506(ii) IPC and Section 4 of Tamil Nadu Prevention Harassment of Woman Act, 2002, have been registered against the petitioner. Pursuant to the said criminal case, without giving any opportunity, the petitioner was placed under suspension by order dated 26.04.2019 by the second respondent. With regard to the same, the petitioner sent a representation to the respondents on 29.06.2019 for revocation of suspension. So far no action has been taken by the respondents. Hence, the petitioner is before this Court for the relief stated supra.

4.The learned counsel for the petitioner would submit that the said criminal case is a false one and the dispute between the petitioner and his wife is purely a private dispute and there is no connection with the said criminal complaint for discharging the duties of the respondents.

5.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner's representation dated 29.06.2019, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Considering the facts and circumstances of the case and in view of the submission made by the learned counsel on either side, this Court is inclined to pass the following orders:

i) The second respondent is directed to consider the petitioner's representation dated 29.06.2019, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

ii) The petitioner is directed to enclose a copy of this order along with such representation dated 29.06.2019.



7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of Local Fund Audit,
Nandhanam,
Chennai 600 035.

2. The Deputy Director of Local Fund Audit,
Nandhanam,
Chennai 600 035.

3. The Regional Joint Director,
Department of Local Fund Audit,
Chinna Chokkikulam,
Madurai.

4. The Assistant Director,
Department of Local Fund Audit,
Sivagangai.

+1 CC to M/s.V.KANNAN, Advocate (SR-81991[F] dated 16/08/2019)

+1 CC to M/s.SPL GP (SR-82188[F] dated 19/08/2019)

W.P. (MD) No.17926 of 2019
16.08.2019

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JMN (29.08.2019) 3P : 7C