



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD).No.16416 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

K.Rajendran

... Petitioner

-Vs-

1. The Director,
Adi Dravidar and Tribes Welfare Department,
Chepauk, Chennai-5.

2. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Officer,
Collectorate, Tanjore.

3. P.Thanga Malaiyalee,
District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Office,
Collectorate, Tanjore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.Ma3/38377/14, dated 19.09.2014 quash the same as illegal.

For Petitioner	: Mr.D.Selvanayagam for Mr.C.Prakasam
For Respondents	: Mr.D.Muruganantham Additional Government Pleader (for R1 and R2) No Appearance (for R3)

ORDER

The order of suspension, dated 19.09.2014, is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the order of suspension was issued on *mala fide* grounds and therefore, this Court consider the case of the writ petitioner at the admission stage itself and granted an interim stay of the order of suspension. Thereafter, the writ petitioner was reinstated into service and now working.



3.The learned Additional Government Pleader appearing on behalf of the respondents state that certain allegations on *mala fide* grounds are raised, now five years lapsed and the officer who issued the suspension order would not be continuing in the same post. Under these circumstances, the authorities competent may be directed to conduct the enquiry proceedings in all respects in the interest of the parties concerned.

4.This Court is of the considered opinion that the impugned order of suspension was issued on 19.09.2014. The writ petitioner was reinstated into service, pursuant to the interim order granted by this Court. The allegations regarding *mala fide* became vanished, on account of the fact that five years lapsed and the officer who issued the impugned order would not be in service at this length of time. Under these circumstances, the respondents are bound to conclude the departmental disciplinary proceedings and pass orders on merits and in accordance with law, as expeditiously as possible.

5.The order of suspension already stayed need not be reviewed by the respondents. Accordingly, the writ petitioner shall be allowed to continue in service till the conclusion of the departmental disciplinary proceedings. Under these circumstances, the respondents are directed to proceed with the enquiry proceedings and conclude the same and pass final orders by following procedures on merits and in accordance with law as expeditiously as possible and preferably within a period of six months from the date of receipt of a copy of this order. Asfar as the impugned order of suspension is concerned, the writ petitioner need not be placed under suspension again and consequently, the impugned order passed by the second respondent in proceeding, dated 19.09.2014, in Na.Ka.Ma.3/38377/14, is quashed.

6.Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director,
Adi Dravidar and Tribes Welfare Department,
Chepauk, Chennai-5.



2. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Officer,
Collectorate, Tanjore.

+1 CC to SPL GP (SR-84584[F] dated 30/08/2019)

W.P. (MD) .No.16416 of 2014
29.08.2019

sjj

MK (24.09.2019) 3P 4C