



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.8356 of 2014

and

MP(MD).No.1 of 2014

M.Vadivel

... Petitioner

-Vs-

1. The Joint Director of School Education,
(Personnel), Chennai-6.

2. The District Chief Educational Officer,
Karur District, Karur.

3. R.Thiruvallarselvi,
The District Chief Educational Officer,
Karur District, Karur.

... 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 1st respondent in his proceedings R.C.No.12355/C5/E3/2014, dated 05.05.2014 and to quash the same as illegal.

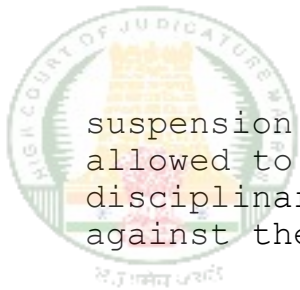
For Petitioner	: Mr.B.Saravanan
For Respondents	: Mrs.S.Srimathy Special Government Pleader (for R1 and R2) No Appearance (for R3)

ORDER

The order of suspension, dated 05.05.2014, is under challenge in the present writ petition.

2.The writ petitioner was appointed as Secondary Grade Teacher and subsequently promoted to the post of B.T. Assistant (Tamil), on account of certain allegations, a criminal case was registered against the writ petitioner in Crime No.264 of 2014, under Sections 353, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 1998. The criminal case is pending and the departmental disciplinary proceedings instituted is also pending. However, the writ petitioner was reinstated in service, pursuant to the interim order granted by this Court in the present writ petition.

3.An employee cannot be under suspension for an unspecified period. Prolonged suspension is also bad in law. Now that the writ petitioner has already been reinstated into service, the order of



suspension need not be reopened and the writ petitioner shall be allowed to continue in service till the disposal of the departmental disciplinary proceedings as well as the criminal case pending against the petitioner.

4. Continuance of the departmental disciplinary proceedings during the pendency of the criminal case is also possible, if the disciplinary authorities are possessing the requisite files and documents for the purpose of continuance of the disciplinary proceedings. Thus, the pendency of a criminal case it is not a bar for continuance of the departmental disciplinary proceedings. Under these circumstances, the authorities are bound to take a decision whether to get the disciplinary proceedings in abeyance or to continue the disciplinary proceedings and conclude the same by passing final orders. However, it is for the authorities competent to take a decision in this regard.

5. In this view of the matter, the writ petitioner shall be allowed to continue in service and the departmental disciplinary proceedings as well as the criminal case shall be disposed at the earliest possible and after the disposal of the criminal case are the departmental disciplinary proceedings and further actions may be taken in accordance with the rules and by following the procedures contemplate. Accordingly, the impugned order of suspension issued by first respondent in proceedings, dated 05.05.2014, is quashed and the respondents are at liberty to continue the departmental disciplinary proceedings and conclude the same was also the criminal case.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Joint Director of School Education,
(Personnel), Chennai-6.

2. The District Chief Educational Officer,
Karur District, Karur.

+1 CC to MR.B. SARAVANAN, Advocate (SR-82665[F] dated 21/08/2019)
+1 CC to SPL GP (SR-82820[F] dated 21/08/2019)

W.P. (MD) .No.8356 of 2014
20.08.2019