



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.21811 of 2019

and

W.M.P. (MD) No.18543 of 2019

WEB COPY

V.Murugan

... Petitioner

-Vs-

1.The Executive Officer,
Selection Grade Town Panchayat,
Nazareth, Tuticorin District.

2.M.Rengasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order of the first respondent in Na.Ka.No.98/2019, dated 07.03.2019 and quash the same and consequently, direct the first respondent to reinstate the petitioner into service.

For Petitioner : Mr.H.Arumugam
For R1 : Mr.S.Dhalayan,
Government Advocate.

ORDER

This Writ Petition is filed to quash the order of suspension dated 07.03.2019 passed by the first respondent and to direct the first respondent to reinstate the petitioner into service.

2.According to the petitioner, a false criminal case was filed against him. Therefore, the first respondent has suspended the petitioner on 07.03.2019, which is impugned in this Writ Petition and initiated departmental disciplinary proceedings against the petitioner. Subsequently, the criminal complaint was closed as mistake of fact. In spite of the closure report, the suspension order of the petitioner is not revoked. The Hon'ble Apex Court in the judgment reported in **2015 (3) CTC 119 (Ajay Kumar Choudhary Vs. Union of India and others)** held that prolonged suspension of the employee is liable to be reviewed and suspension cannot be extended mechanically beyond three months and prayed for quashing the order of suspension.

3.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and perused the materials available on record carefully.

4.The petitioner is seeking revocation of the order of



suspension on the ground that the criminal case registered against the petitioner was closed as mistake of fact and prolonged suspension without reviewing the same after three months, is not valid. From the materials on record, it is seen that inspite of the criminal case registered against the petitioner, the first respondent has initiated disciplinary proceedings and charge memo dated 29.03.2019, has been issued to the petitioner. The respondents have power to suspend the employee, pending departmental disciplinary proceedings. In view of the same, the petitioner is not entitled for the relief sought for in the Writ Petition. However, the first respondent is directed to complete the disciplinary proceedings initiated against the petitioner, within a period of four months from the date of receipt of a copy of this order. It is open to the petitioner to raise all the available objections in the disciplinary proceedings.

5. With the above direction, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

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To
The Executive Officer,
Selection Grade Town Panchayat,
Nazareth, Tuticorin District.

+1 CC to M/s.SPL GP (SR-92452[F] dated 17/10/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-92616[F] dated 17/10/2019)

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