

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.12951 of 2020
and W.M.P.No.16022 of 2020

Packiya Selvaraj

... Petitioner

-Vs-

1 The Commissioner
Corporation of Chennai Poonamallee High
Road Ripon Buildings Chennai-03

2 The Deputy Commissioner (R and F)
Corporation of Chennai Poonamallee
High Road Ripon Buildings Chennai-03

3 The Assistant Commissioner (AC/ GAP)
Corporation of Chennai
Poonamallee High Road Ripon Buildings
Chennai-03.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to quash the impugned suspension order of the 2nd respondent bearing No. G.D.C. No. E2/ 8609/ 2020 dated 20.07.2020 and direct the respondents to reinstate the petitioner with back wages and all incidental benefits.

For Petitioner

:Mr.B.Sundar

O R D E R

The matter was taken up through Web-hearing.

2. The case of the petitioner is that while he was working as Assistant Revenue Officer in the respondent Corporation, a F.I.R., was registered against him in respect of a complaint that he has collected a sum of Rs.35 lakhs from the public by meting out promises that he would arrange Government jobs in Tamil Nadu Handloom Department. In pursuance of the complaint, the respondent Corporation is taking steps to order enquiry in

contemplation of the grave charges against him. In the said circumstances, the petitioner has come to be placed under suspension vide proceedings dated 20.07.2020. The suspension order is now the subject matter of challenge in the present writ petition.

3. The affidavit filed in support of the writ petition merely contains plethora of facts to substantiate the petitioner's claim that he was innocent and he was falsely implicated in the criminal case. The validity of the suspension order cannot be decided on the basis of the factual explanation to the proposed charges and on that basis this Court cannot interfere with the suspension order impugned in the writ petition.

4. The grounds raised in the writ petition do not merit any serious consideration as the same are not worthy enough to be taken note of for the purpose of entertaining the writ petition. In fact, this Court is of the view that many of the averments in the grounds as raised in the affidavit are extraneous and irrelevant to the challenge in terms of its legal acceptance. The entire challenge to the suspension order is not premised on any legal grounds, but on factual aspects and hence the same is incapable of being adjudicated by this Court in its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition therefore cannot be entertained and has to necessarily fail. Hence, it is dismissed as being devoid of merits and substance. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner, Corporation of Chennai
Poonamallee High Road,
Ripon Buildings, Chennai-03.
- 2 The Deputy Commissioner (R and F),
Corporation of Chennai,
Poonamallee High Road,
Ripon Buildings Chennai-03.

3 The Assistant Commissioner (AC/ GAP),
Corporation of Chennai
Poonamallee High Road
Ripon Buildings, Chennai-03.

W.P.No.12951 of 2020

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rr ii (22/10/2020)



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