

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.34865 of 2019

N.Ramesh

... Petitioner

Vs

1. The Inspector of Labour,
2nd Circle, Labour Department,
No.33, Venkat Narayana Road,
Nandanam,
Chennai 600 018.

2. The Commissioner of Labour,
Labour Department,
DMS Compound, Teynampet,
Chennai 600 008.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings No.A/3786/2014 dated 10.11.2014 and quash the same, thereby directing the respondents to reinstate the petitioner in service with all benefits.

For Petitioner : Mr.M.Liagat Ali

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order of suspension passed by the first respondent by his proceedings dated 10.11.2014. The case of the petitioner is that he was working as an Assistant Inspector in the Labour Department. An FIR came to be registered against the petitioner for an offence under the Prevention of Corruption Act and the Petitioner was arrested and remanded to Judicial custody. Therefore, the order of suspension came to be passed against the petitioner on 10.11.2014 by the first respondent.

2. The grievance of the petitioner is that till date there is absolutely no progress in the criminal case and no departmental proceedings have been initiated till date. The petitioner has also made representations to the respondents to revoke the order of suspension kept pending a prolonged period from the year 2014 onwards. Finding that there was no response, the petitioner has approached this Court challenging the order of suspension and seeking for reinstatement into service.

3. Heard Mr.M.Liagat Ali, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the respondent.

4. It is seen from the records that the suspension order has been pending against the petitioner for the last six years. No charge memo has been issued till date. It is not as if in all cases involving corruption that a delinquent employee can be kept in prolonged suspension. Useful reference can be made to the judgment of this Court in S.Raju vs. Electricity Board in W.P. No. 1196 of 2018 dated 25.07.2019. In the said judgment, this Court had considered all the earlier judgments and it was held that even in case involving corruption, a delinquent employee cannot be allowed to be kept under prolonged suspension. This Court also held that a huge amount has been paid towards subsistence allowance without extracting any work from the employee and this actually drains public exchequer. Therefore, in such cases it would be fit and proper if the employee is posted in a non sensitive post and work is extracted from him before making any payment.

5. In the light of the above, this Writ Petition is disposed of with a direction to the respondents to consider the representation made by the petitioner and pass suitable orders revoking the order of suspension and placing the petitioner in a non sensitive post. This process shall be completed within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to give a fresh representation to the respondent along with a copy of this order. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

bkn
To

1.The Inspector of Labour,
2nd Circle, Labour Department,
No.33, Venkat Narayana Road,
Nandanam,
Chennai 600 018.

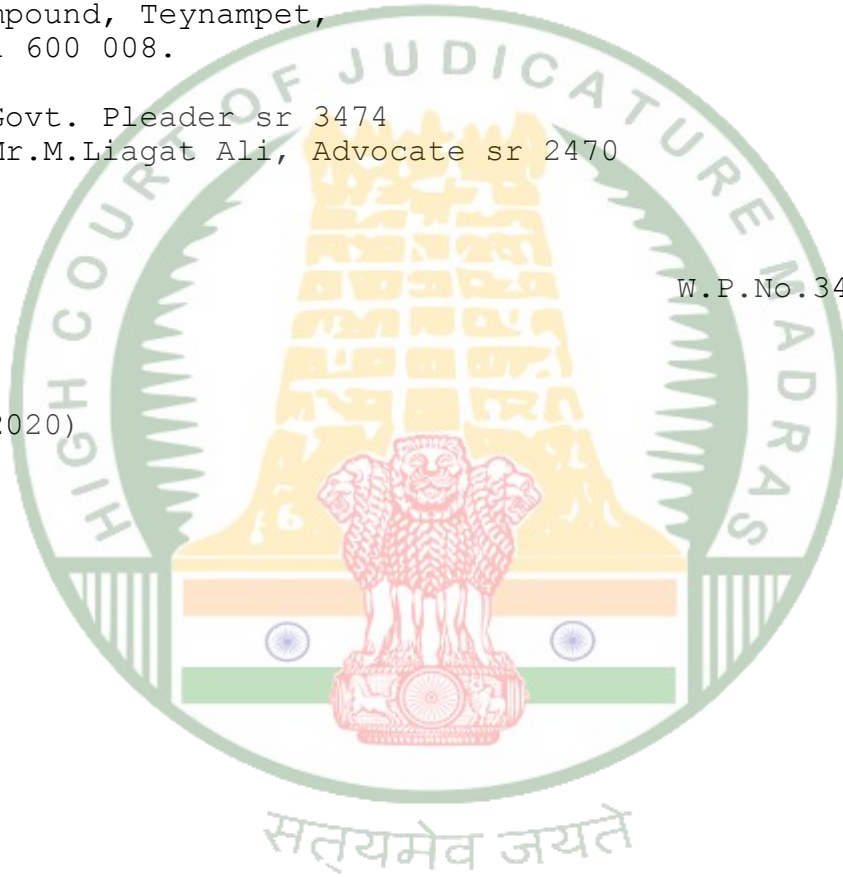
2.The Commissioner of Labour,
Labour Department,
DMS Compound, Teynampet,
Chennai 600 008.

+1 CC to Govt. Pleader sr 3474

+1 CC to Mr.M.Liagat Ali, Advocate sr 2470

W.P.No.34865 of 2019

SP(30/01/2020)



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