



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.7621 of 2020

T.Balasubramanian

... Petitioner

Vs.

1.The Dean,
M.G.M.Government Hospital,
Attached to
KAPV Govt., Medical College,
Puthur, Thiruchirappalli.

2) Resident Medical Officer,
M.G.M.Government Hospital,
Attached to
KAPV Govt., Medical College,
Puthur, Thiruchirappalli.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to revoke the order of temporary suspension made by his proceedings in Na.Ka.No.7115/Ni2/2019 dated 20.06.2019 by considering the petitioner's representation dated 31.10.2019 within a stipulated time.

For Petitioner : Mr.M.Sridharan

For Respondents : Mrs. J.Padmavathi Devi,
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 1st respondent to revoke the order of temporary suspension made by his proceedings in Na.Ka.No.7115/Ni2/2019 dated 20.06.2019 by considering the petitioner's representation dated 31.10.2019 within a stipulated time.

2. The petitioner was working as ambulance driver at KAPV Government Medical College, Puthur, Trichy. While so, a police case has been registered against the petitioner on 20.06.2019 for the alleged offences punishable under sections 417, 465, 468, 471 and 476 of IPC and in the said case, the investigation is pending

3. In view of the said police case, the petitioner had been arrested and had been in judicial custody for more than 48 hours and on receipt of such information from the concerned police Inspector, the first respondent by order dated 20.06.2019 placed the



petitioner under suspension.

4. In this context, it is the grievance of the petitioner that, eventhough the petitioner has been suspended by order dated 20.06.2019, even after more than a year, no progress has been shown in the investigation of the criminal case and no disciplinary proceedings also has been initiated against him. Therefore, such a prolonged suspension under which the petitioner has been placed, can very well be reviewed by the respondents, especially the first respondent, and in this regard, two representations have been given by the petitioner on 24.09.2019 and 31.10.2019 and those representations also, since have not been considered, the petitioner has approached this Court with the aforesaid prayer.

5. Heard Mrs. J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents, who would submit that, in the light of the facts mentioned above, the representations of the petitioner, dated 24.09.2019 and 31.10.2019, could be considered by the respondents, especially by the first respondent and accordingly a decision would be made on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Considering the said submission made by both sides and having taken note of the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following direction:

- "(i) that the respondents, especially the first respondent, is directed to consider the representations of the petitioner, dated 24.09.2019 and 31.10.2019 and pass orders thereon on merits and in accordance with law;
- (ii) The respondents shall ensure as to whether the suspension made against the petitioner, by order dated 20.06.2019 shall further be continued in the interest of justice or not; and
- (iii) Accordingly, final orders shall be passed thereon, within a period of six weeks from the date of receipt of a copy of this order."

7. With this direction, the writ petition stands disposed of. However, there shall be no order as to costs.

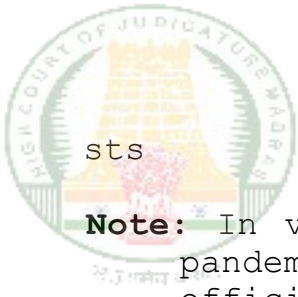
Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Dean,
M.G.M.Government Hospital,
Attached to KAPV Govt., Medical College,
Puthur, Thiruchirappalli.
- 2) Resident Medical Officer,
M.G.M.Government Hospital,
Attached to KAPV Govt., Medical College,
Puthur, Thiruchirappalli.

+1 CC to M/s.M. SRIDHARAN, Advocate (SR-13699[F] dated 05/08/2020)

Order made in
W.P. (MD)No.7621 of 2020

KK(04.09.2020) 3P 4C