



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10264 of 2020

and

W.M.P. (MD) No.9148 and 9149 of 2020

WEB COPY

Saravanan

... Petitioner

Vs.

The District Aadhi Dravidar and
Scheduled Tribes Welfare Officer,
Madurai District,
District Collector Office,
Madurai.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.14657/2019 Aadhi3 dated 27.03.2019 passed by the respondent and quash the same.

For Petitioner	:	Mr.R.Vinoth Kumar
For Respondent	:	Mr.M.Jeyakumar,
		Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.14657/2019 Aadhi3 dated 27.03.2019 passed by the respondent and quash the same.

2.The petitioner was appointed as Cook in the year 2016 at the respondent department and has been working as such at Alanganallur Government Aadhi Dravidar School Student Hostel. While so, in connection with one criminal case registered against the petitioner before the District Crime Branch, Karur District in crime No.4 of 2019 for the alleged offence under Sections 406 and 420 IPC, the petitioner was arrested and had been in judicial custody from 18.03.2019 to 01.04.2019. In view of the said judicial custody against the petitioner, the respondent has placed the petitioner under suspension by the impugned order dated 27.03.2019. However, the said criminal case is still pending and is yet to be over. But, so far, no disciplinary proceedings since have been initiated against the petitioner, the petitioner feels that the suspension is a prolonged one, therefore, the same can be reviewed. Accordingly, he filed the present writ petition, challenging the impugned order dated 27.03.2019 with the aforesaid prayer.



3. Heard the learned counsel appearing for the petitioner, who reiterated the aforesaid points and seeks indulgence of this Court.

4. Per contra, the learned Additional Government Pleader appearing for the respondent, on instructions, would submit that, in order to initiate disciplinary proceedings, an enquiry officer was appointed on 16.06.2020 and the charge memo with definite charges having been framed dated 22.06.2020 was also served on the petitioner. Therefore, now, it is for the petitioner to respond to the charge memo within a shortest possible time by way of his explanation and if he wants to have a disciplinary proceedings by way of oral enquiry, he has to give his consent and thereafter, within a shortest possible time, disciplinary proceedings would be conducted and concluded against him.

5. In response to the same, the learned counsel appearing for the petitioner would submit that, in view of the latest developments, where, charge memo has been served against the petitioner and an enquiry officer was also appointed in this regard, the petitioner would be ready and willing to co-operate with the enquiry officer to complete the enquiry within a time frame and let the respondents complete the disciplinary proceedings at the earliest point of time and depending upon the outcome of the disciplinary proceedings, prolonged suspension against the petitioner can very well be reviewed.

6. I have considered the submissions made by the learned counsel for both sides and have perused the materials available before this Court.

7. Since the departmental proceedings has been initiated by issuance of charge memo dated 22.06.2020 and appointment of enquiry officer dated 16.06.2020, at this stage, the prayer sought for by the petitioner to set aside the impugned suspension order cannot be accepted. But, at the same time, once disciplinary proceedings is initiated, for which, the petitioner also assured his fullest cooperation to complete the same at the earliest, a specific direction can be given to the respondent to complete the disciplinary proceedings within a time frame and thereafter, depending upon the outcome of the same, a decision can be taken by the respondent as to whether the prolonged suspension can be reviewed or not.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following direction:

"The respondent is directed to conduct the disciplinary proceedings pursuant to the charge memo dated 22.06.2020 and complete the same within a period of two months from the date of receipt of a copy of this



order. In view of the time frame fixed above, the petitioner shall give his fullest cooperation for the enquiry authorities enabling them to complete the enquiry and also to the disciplinary authority to pass final order within the time frame. It is further made clear that within the time stipulated, if the disciplinary proceedings is not at all completed for any administrative reason, for which, no reasons can be attributable on the side of the petitioner, then, at the end of the two months period, the respondent shall review the impugned suspension order and accordingly, take a decision whether it is revocable in view of the non completion of the disciplinary proceedings within the time stipulated."

9. With this observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

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

The District Aadhi Dravidar and
Scheduled Tribes Welfare Officer,
Madurai District,
District Collector Office,
Madurai.

+1 CC to M/s.GP (SR-16130[F] dated 07/09/2020)

W.P. (MD) No.10264 of 2020

04.09.2020

AC (CO)

AP(03/11/2020) 3P 3C

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