



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.09.2020**

CORAM

THE HON'BLE MR.JUSTICE **R.SURESH KUMAR**

W.P.(MD)No.10461 of 2020

and

W.M.P(MD).No.9256 of 2020

WEB COPY

T.Kanivaimozhi

... Petitioner

-Vs-

1.The District Collector,
Tiruchirappalli District.

2.Sivarasu,
District Collector,
Tiruchirappalli District.

(R2 struck off from the array of parties vide Court order dated 31.08.2020 in W.P(MD).No.10461 of 2020)

3.The District Social Welfare Officer,
Office of the District Collector Campus,
Tiruchirappalli.

4.The Commissioner,
Social Welfare and NMP Department,
Saidapet,
Chennai-15

...Respondents

Prayer: Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to order of suspension dated 10.04.2020 vide Proc No.650/A1/2020 of the first respondent and quash the same in terms of G.O.Ms.No.304 dated 17.06.2020 and consequently direct the first respondent to place the petitioner with continuity in service with all attendant benefits.

For Petitioners : Mr.R.Venkatesulu

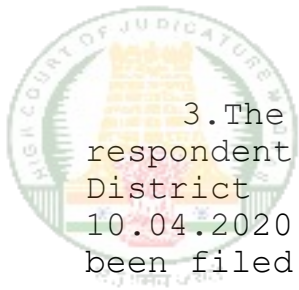
For Respondents : Mr.M.Karuppasamy

Government Advocate

ORDER

Prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records relating to order of suspension, dated 10.04.2020 vide Proc No.650/A1/2020 of the first respondent and to quash the same in terms of G.O.Ms.No.304, dated 17.06.2020 and consequently, direct the first respondent to place the petitioner with continuity in service with all attendant benefits.

2.Heard Mr.R.Venkatesulu, learned counsel appearing for the petitioner and Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents.



3.The petitioner was as Jeep driver working under the third respondent Office, while so, by order of the first respondent/District Collector, he was placed under suspension, dated 10.04.2020. Challenging the same, the present writ petition has been filed.

4.Though the petitioner raised a ground that, the first respondent does not have jurisdiction to pass orders placing the petitioner under suspension, instead, only the fourth respondent has got jurisdiction to take any action against the petitioner including to place him under suspension, this Court issued notice to the respondents and directed to get instructions through the learned Government Advocate whether any disciplinary proceedings have been initiated against the petitioner.

5.In this context, a counter affidavit, dated 4th day of September 2020 has been filed before this Court, where *inter alia* the third respondent has stated the pandemic situation, which was dealt with by various departments of the Government from end of the March 2020 onwards. He had also stated that within a shortest possible period, disciplinary action would be initiated against the petitioner.

6.At that stage, the case is posted today for hearing and when the case is taken up today for hearing, Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents would submit that, on 03.09.2020, a charge memo has been prepared and the same has been served on the petitioner on 07.09.2020, by thus, the disciplinary proceedings have been initiated against him and once the petitioner gives his reply, examining the same, the disciplinary authority would decide as to whether the enquiry has to be conducted or the disciplinary proceedings initiated against him to be dropped or not.

7.Also, the learned Government Advocate would submit that, on 10.09.2020, the impugned suspension order, dated 10.04.2020 made against the petitioner had been revoked and the petitioner has been reinstated in a non-sensitive post. In view of the said developments, the learned Government Advocate appearing for the respondents seeks indulgence of this Court to dispose of this writ petition, accordingly.

8.However, the learned counsel appearing for the petitioner would contend that, the very impugned suspension order itself should not have been passed by the first respondent as he did not have any jurisdiction. However, now the same has been revoked, recording the same, accordingly, suitable orders can be passed by disposing this writ petition.

9.I have considered the said rival submissions made by the learned counsel on both sides and perused the materials placed



before this Court and also has taken note of the subsequent developments as has been submitted by the learned Government Advocate.

10.Since the suspension order, which is impugned herein, has been revoked by the order dated 10.09.2020 and the said factor is not controverted by any of the learned counsel appearing for the parties, the validity of the impugned order of suspension, which is the subject matter in this writ petition, can no longer be subsisting and therefore, the said aspect can be closed.

11.Since the disciplinary proceedings have been initiated by the fourth respondent, who is the disciplinary authority by issuance of charge memo, dated 03.09.2020 and the same has been served on the petitioner on 07.09.2020, it is open to the respondents to proceed further against the petitioner in the disciplinary proceedings in the manner known to law.

12.In view of the above, this Writ Petition is disposed of with the following order:

'that the impugned order of suspension since has been revoked by the subsequent order dated 10.09.2020, no further orders is required to be passed on the validity of the impugned suspension order.

Since the charge memo has been prepared and served on the petitioner on 07.09.2020, the fourth respondent disciplinary authority can proceed against the petitioner in conducting the disciplinary proceedings in the manner known to law and decide the same, within a period of two(2) months from the date of receipt of a copy of this order and accordingly, a final decision can be taken as to whether the petitioner would be inflicted any punishment or not depending upon the outcome of the disciplinary proceedings.

It is needless to mention that, in view of the time given by this Court to complete the disciplinary proceedings, the petitioner shall give fullest co-operation to the Enquiry Officer for completion of enquiry and disciplinary proceedings, within a time, as indicated above.'

No costs. Consequently, connected Miscellaneous Petition is closed.

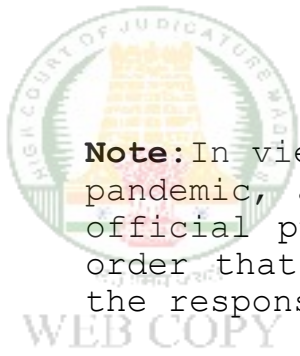
Sd/-

Assistant Registrar (CSIII)

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Sub Assistant Registrar(CS)



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 District Collector,
Tiruchirappalli District.
- 2.The District Social Welfare Officer,
Office of the District Collector Campus,
Tiruchirappalli.
- 3.The Commissioner,
Social Welfare and NMP Department,
Saidapet,
Chennai-15

+1 CC to M/s.SPL GP (SR-17124[F] dated 16/09/2020)

+1 CC to M/s.USHA RAMMAN, Advocate (SR-17192[F] dated 16/09/2020)

W.P. (MD)No.10461 of 2020
15.09.2020

ARK(CO)
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