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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.865 of 2021
W.M.P.No.949 of 2021

S.Kathar Mydeen

.. Petitioner

Versus

- 1.The Principal Secretary/
Commissioner of Urban Land Ceiling &
Urban Land Tax Department,
Chepauk,
Chennai - 600 005.
 - 2.The Additional Chief Secretary/
Commissioner of Urban Land Ceiling &
Urban Land Tax Department,
Chepauk,
Chennai - 600 005.
 - 3.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
Tambaram,
Chennai - 600 088.
 - 4.The Assistant Commissioner,
Urban Land Ceiling & Urban Land Tax Department,
T.Nagar,
Chennai.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in No. 9124/2020/A2 dated 24.11.2020 and quash the same and consequently direct the respondents to reinstate the Petitioner into service with all continuation, service benefits and monetary benefits.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.C.Kathiravan
Government Advocate



O R D E R

By consent of both sides, this writ petition is taken up for final disposal.

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2.This Writ Petition has been filed for issuance of a Writ of certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in No. 9124/2020/A2 dated 24.11.2020 and quash the same and consequently direct the respondents to reinstate the Petitioner into service with all continuation, service benefits and monetary benefits.

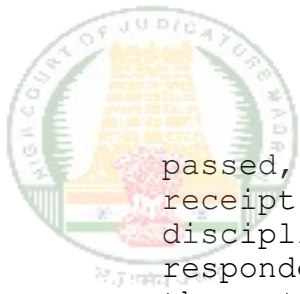
3.The petitioner was appointed as Assistant in 3rd respondent's office on 14.05.2019. It is stated by the petitioner that the petitioner's mother fell sick and therefore, the petitioner went to his native place in Tirunelveli District to see his mother. Since the petitioner was on Casual Leave from 13.03.2020 to 24.03.2020, on account of Covid-19 lock down from 24.03.2020 the petitioner was forced to stay in his native. It is admitted that a Show Cause Notice was issued to the petitioner by the 3rd respondent in respect of the leave on 10.06.2020. A Charge Memo was also issued to the petitioner on 17.06.2020. Pending enquiry and in contemplation of disciplinary proceedings, the petitioner was suspended with effect from 24.11.2020. The writ petition is filed challenging the impugned suspension order dated 24.11.2020, and to quash the same.

4.When a Government servant is suspended pending or in contemplation of disciplinary proceedings, it will be in the interest of establishment and public to keep the delinquent away from work for an effective investigation and final orders on the charges. Hence scope of judicial review or interference with the order of suspension during the pendency or in contemplation of disciplinary proceedings is limited. No malafides or want of jurisdiction is pleaded.

5.However, the petitioner in this case, has a grievance that the subsistence allowance is not paid right from the date of suspension. The learned counsel further states that no enquiry has commenced pursuant to the charges framed against him by the impugned proceedings dated 24.11.2020.

6.Having regard to the facts submitted by the learned counsel for the petitioner, this Court is of the view that the writ petition can be disposed of in the following lines:

The order of suspension dated 24.11.2020 is upheld. However, the respondents shall disburse the subsistence allowance, within a period of four weeks from the date of receipt of a copy of this order. The disciplinary proceeding, shall be completed and the final order shall be



passed, within a period of four months from the date of receipt of a copy of this order. Since it is stated that no disciplinary proceedings have been initiated so far, the respondents may consider the application that may be filed by the petitioner for the revocation of suspension by passing an order, within a period of two weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssr

To

- 1.The Principal Secretary/
Commissioner of Urban Land Ceiling &
Urban Land Tax Department,
Chepauk,
Chennai - 600 005.
- 2.The Additional Chief Secretary/
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- 4.The Assistant Commissioner,
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T.Nagar,
Chennai.

+1cc to Government Pleader SR.No.31415

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LN(CO)
GMY(02/08/2021)