

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1613 of 2021

Dr.P.Sasikumar

... Petitioner

Vs.

1. The Director,
Animal Husbandry and Veterinary Services,
Chennai 600 035.

2. Dr.N.Indumathi

... Respondents

(R2 impleaded vide order dated 10.02.2021
made in W.M.P.No.2604/2021 in W.P.No.1613 of 2021 by SVNJ)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the Respondent in ROC.No.7446-L1/2020, dated 18.02.2020, quash the same and direct the Respondent to reinstate the Petitioner in service with all attendant benefits.

For Petitioner : Mr.M.S.Palaniswamy

For 1st Respondent : Mr.P.V.Selvakumar,
Additional Government Pleader

For 2nd Respondent : No appearance

सत्यमेव जयते
O R D E R

Petitioner has come up with this Writ Petition seeking to quash the proceedings dated 18.02.2020 passed by the 1st Respondent vide ROC.No.7446-L1/2020 and for a direction to the 1st Respondent to reinstate him in service with all attendant benefits.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. According to the Petitioner, he was placed under suspension on the ground that, he is involved in a domestic issue on the basis of the complaint lodged by the 2nd Respondent

herein. The Petitioner's wife, who is the 2nd Respondent herein, initiated D.V.O.P.No.49 of 2014 against the Petitioner under the Domestic Violence Act on the file of the Judicial Magistrate cum Additional Mahila Court, Salem and that, the Petitioner filed H.M.O.P.No.11 of 2015 on the file of the First Additional Sub Judge, Salem, seeking divorce.

4. The allegation based on which, criminal case has been levelled against the Petitioner, is almost similar to the one raised by the 2nd Respondent herein. The Divorce Petition filed by the Petitioner herein on the ground of alleged cruelty and voluntary desertion by the 2nd Respondent was accepted by the Family Court and it has become final. At the time of awaiting verdict, a complaint has been lodged by the 2nd Respondent herein against the Petitioner.

5. As the family issue has already been dissolved by means of the order dated 19.02.2020 passed by the Family Court in H.M.O.P.No.11 of 2015, the question of placing the Petitioner under suspension does not arise, more so, when there is a finding of cruelty and voluntary desertion by the 2nd Respondent herein. It appears that, only to harass the Petitioner, the present complaint has been lodged by the 2nd Respondent, based on which, Police have initiated action and the 1st Respondent/Department has placed the Petitioner under suspension.

5. Even though, notice has been ordered to the 2nd Respondent/complainant, service has been completed and her name has been printed in the cause list, none appeared on her behalf. Whether the Petitioner is guilty or not, of the offence said to have been committed by him, has to be decided by the appropriate forum, as the case has arisen out of domestic issue.

6. It appears that, the 2nd Respondent is unnecessarily harassing the Petitioner. Unfortunately, there is no provision like the Domestic Violence Act, to proceed against the wife by the husband. Complaint has been given four days prior to grant of divorce by the Family Court, which itself clearly shows that the 2nd Respondent has anticipated divorce order and created unnecessary trouble to the Petitioner. The present generation must understand that, marriage is not a contract, but a sacramental one. Of course, the word 'sacrament' has no meaning after coming into effect of the Domestic Violence Act, 2005, that, approves live-in-relationship. Husband and wife must realize that, 'ego' and 'intolerance' are like footwear and should be left out of their house, when they enter the home, else, the child/children will have to face a miserable life.

7. In view of the foregoing, this Court is of the view that, there is no need to place the Petitioner under suspension, which is not warranted. In case, the matter ends in compromise or the Petitioner is acquitted of the charges, as the Family Court has already held that, there is cruelty and desertion by the 2nd Respondent, the Petitioner will have to be paid by the Government, without extracting any work. As the case on hand is an exceptional one, this Court interferes with the impugned order of suspension passed by the 1st Respondent and directs the 1st Respondent to reinstate the Petitioner in service within fifteen days from the date of receipt of a copy of this order.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.Nos.1824 and 1826 of 2021 are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

(aeb)
To:

The Director,
Animal Husbandry and Veterinary Services,
Chennai 600 035.

+1 CC to The Government Pleader sr 21438.
+1 CC to Mr.M.S. Palanisamy, Advocate sr 21270.

W.P.No.1613 of 2021

SR II (CO)
SP(12/07/2021)

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