

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.4274 OF 2021

AND

W.M.P.NOS.4878, 4879 & 4881 OF 2021

(HEARD THROUGH VC)

A.Khaidhaazam

.. Petitioner

-vs-

1. Union of India,
Government of Union Territory of Pondicherry,
Rep. by its Chief Secretary,
Goberet Avenue,
Pondicherry - 605 001.
2. The Director General of Police, Puducherry,
Government of Union Territory of Pondicherry,
No.4, Dumas Street,
Puducherry - 605 001.
3. The Senior Superintendent of Police, Puducherry,
Multi Storied Building / CCR,
Gorimedu, Puducherry - 605 006.
4. The Superintendent of Police - Wireless, Puducherry,
2nd Floor, Multi-complex,
Gorimedu, Puducherry - 605 006.

.. Respondents

Prayer:

Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in respect of suspension order No.OSD/DE-1/32-5/DGP/2020 Dt.20/01/2021 culminating from the oral order of suspension dt.15.12.2020 passed by the 3rd Respondent and to quash the same and consequently direct the Respondents 2 to 4 to permit the petitioner to join duty and discharge the same, with all service benefits/ back wages.

For Petitioner : Mr.P.S.Ganesh

For Respondents : Mr.Syed Mustafa

O R D E R

The petitioner has come forward with this writ petition challenging the suspension order passed by the second respondent in No.OSD/DE-1/32-5/DGP/2020 dated 20.01.2021 culminating from the oral order of suspension dated 15.12.2020 passed by the third respondent and consequently for a direction to the respondents 2 to 4 to permit him to join duty and discharge the same, with all service benefits/back wages.

2. Mr.Syed Mustafa, learned counsel takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner was working as Inspector of Police in Wireless unit of Police Department of Pondicherry Government. After he underwent bypass surgery, he has sought for transfer to Control Room of the Police Department. Accordingly, he was posted to Central Control Room (Wireless Wing) of Pondicherry Police. All of a sudden, on 15.12.2020, he received a wireless message from the third respondent that he has been suspended with immediate effect. It is the case of the petitioner that the suspension with retrospective effect is bad in law and he has not been paid any salary or subsistence allowance from 15.12.2020, i.e. from the date of the oral suspension to till date. It is his further case that no disciplinary proceedings have been initiated against him. Hence the petitioner has come up with the above prayer.

5. The relief sought for by the petitioner cannot be granted by this Court, as the remedy lies only before the Central Administrative Tribunal (CAT) and this Court is not an alternate forum. If the petitioner is aggrieved by the final order that may be passed by the CAT, it is open to him to approach this Court against the said order, which will be heard by the Division Bench of this Court. Since the Court is not entertain this writ petition on the ground that the petitioner will have to approach CAT, it is needless to mention that the petitioner shall raise all the grounds that are available to him in addition to the grounds that has been raised in the writ petition.

6. In view of the above, the writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Chief Secretary,
Union of India,
Government of Union Territory of Pondicherry,
Goberet Avenue, Pondicherry - 605 001.
2. The Director General of Police, Puducherry,
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2nd Floor, Multi-complex,
Gorimedu, Puducherry - 605 006.

Copy To
The Section Officer,
ER Section, High Court,
Madras-104.

+1cc to Mr.P.S.Ganesh, Advocate, S.R.No.12259

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and W.M.P.Nos.4878, 4879 & 4881 of 2021

KV(CO)
CS/20/04/2021