



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.5780 of 2020

and

W.M.P.Nos.6760 to 6762 of 2020

(Through Video Conferencing)

T.Sundaram

... Petitioner

Vs

1.The Deputy Secretary to Governor &
Comptroller of Household,
Governor's Household Office,
Raj Bhavan, Chennai - 600 022.

2.The Deputy Director of horticulture,
Office of the Deputy Director of Horticulture,
Raj Bhavan, Udhagamandalam,
The Nilgiris - 643 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings in proceeding No.2253/G3/2019 dated 03.10.2019 issued by the 1st respondent and quash the same and direct the 1st respondent to reinstate the petitioner in Service.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The Petitioner has filed this writ petition, seeking for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in proceeding No.2253/G3/2019 dated 03.10.2019 issued by the 1st respondent and quash the same and direct the 1st respondent to reinstate the petitioner in Service.

2. By the impugned order, the petitioner was suspended from service with effect from 03.10.2019. After suspension order was



issued on 03.10.2019, a charge memo was issued on 26.12.2019. However, the disciplinary proceedings have not been progressed thereafter. The petitioner has also given a reply almost a year was back. The respondents have also appointed an Enquiry Officer to enquire into the charges framed against the petitioner.

3. However, there is no progress thereafter perhaps, on account of the out break of the Covid-19 Pandemic. It is the case of the petitioner that he has not been paid subsistence allowance. The petitioner has thus filed the present writ petition to challenge the suspension order.

4. The learned counsel for the petitioner relies on the decision of the Hon'ble Supreme Court in Ajay Kumar Choudry Vs. Union of India 2015 (7) SCC 291 and therefore he prays for the writ petition to be allowed.

5. Defending the impugned proceedings, the learned counsel for the respondents submits that the Charge Memo dated 26.12.2019 was followed by the appointment of an Enquiry Officer on 03.02.2020. Therefore, the learned counsel for the respondent submits that there is no delay on the part of the respondents in the disciplinary proceedings. I have considered the arguments advanced by the learned counsel for the petitioner and the respondents. Considering the fact, that the petitioner has not been paid any subsistence allowance and considering the nature of the allegations and the charges framed against the petitioner, this Court is of the view that the petitioner can be allowed to report to duty immediately. The respondents may however proceed with the disciplinary proceedings initiated against the petitioner and preferably complete the same within a period of six months from the date of receipt of a copy of this order. The petitioner shall cooperate in the disciplinary proceedings. The petitioner is therefore directed to report to duty before the 2nd respondent on 09.08.2021. The respondents are also directed to pay the arrears of the subsistence allowance, if any, to the petitioner along with next month salary.

6. This Writ Petition stands disposed with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To

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1.The Deputy Secretary to Governor &
Comptroller of Household,
Governor's Household Office,
Raj Bhavan, Chennai - 600 022.

2.The Deputy Director of horticulture,
Office of the Deputy Director of Horticulture,
Raj Bhavan, Udhagamandalam,
The Nilgiris - 643 001.

+2ccs to Mr.Naveen Kumar Murthi, Advocate SR No.37933
+1cc to Government Pleader SR No.38797

W.P. No.5780 of 2020
and
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PL (CO)
PR (24/08/2021)