



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Writ Petition No.13654 of 2021
and
W.M.P.No.14514 of 2021

K.Shanmugasundaram

.. Petitioner

Versus

The Commissioner,
Salem Corporation,
Salem, Salem District.

.. Respondent

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.No.L7/1029/2021 dated 25.01.2021 and quash the same and direct the respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : No appearance

O R D E R

This writ petition is filed seeking to quash the impugned order of the respondent in Na.Ka.No.L7/1029/2021 dated 25.01.2021 and to direct the respondent to reinstate the petitioner in service with all attendant benefits.

2. The brief facts, which are necessary for disposal of this Writ Petition, are as follows:

The petitioner was initially appointed as Wireman on 04.12.1990 in Salem Municipality. The Salem Municipality was upgraded as Salem Corporation in the year 1994. The petitioner was promoted as Skilled Assistant Grade - I in the year 2001. The petitioner, by the impugned order, was placed under suspension in contemplation of disciplinary proceedings against him. The grievance of the petitioner is that no charge memo has



been issued to him till date and hence, his prolonged suspension is contrary to law and will infringe his right under Article 14 and 21 of the Constitution of India.

3. By the impugned order, the petitioner was placed under suspension on the reason that it is required in public interest. The prolonged suspension of petitioner without issuing charge memo is contrary to law. In the said circumstances, this Court is of the view that the petitioner should be given an opportunity to submit a petition for reviewing the order of suspension and upon receipt of the same, the respondent shall pass orders considering the grievance of the petitioner as well as the necessity to keep the petitioner under suspension without even issuing a charge memo.

Accordingly, this Writ Petition is disposed of with the following direction:

The petitioner is permitted to submit a petition to the respondent to review the order of suspension dated 25.01.2021. It is open to the petitioner to raise all factual and legal issues. Upon such petition being submitted by the petitioner, the respondent shall pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of petitioner's representation/petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

The Commissioner,
Salem Corporation,
Salem, Salem District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.31039
+1cc to the Government Pleader, S.R.No.31194

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PMK(CO)
CT/23/07/2021